

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany bill (H. R. 7528) for the relief of George Van Atta; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: Petitions of C. N. Cloud, J. A. Newlin, and M. L. Newlin, of Emporia, Kans., protesting against the passage of the Henry resolution, known as House resolution 33, relative to the work of the American Medical Association; to the Committee on Rules.

By Mr. KEISTER: Petitions of 322 employees of Old Meador Works and 538 employees of the Scottdale Works, both of the American Sheet & Tin Plate Co., and both of Scottdale, Pa., protesting against a dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

SENATE.

THURSDAY, October 16, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.
The Journal of the proceedings of Monday last was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7898) making appropriations to supply deficiencies in the appropriations for the fiscal year 1913, and for other purposes, and it was thereupon signed by the Vice President.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The VICE PRESIDENT presented a joint resolution of the Legislature of North Carolina, which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Resolution 4.

A joint resolution requesting Congress to investigate the interpretation and administration of the act to regulate interstate commerce.

Resolved by the house of representatives (the senate concurring):

Whereas by the act of Congress, commonly known as the interstate-commerce act, it is provided, among other things, that all charges made for any service rendered in the transportation of property shall be just and reasonable and every unjust and unreasonable charge is prohibited and declared to be unlawful; and

Whereas it is also further provided in said act that it shall be unlawful for any common carrier to give any undue or unreasonable preference or advantage to any person, corporation, or locality in any request whatsoever; and

Whereas said interstate-commerce act also provides that it shall be unlawful for a carrier to charge more for a shorter than for a longer distance over the same line in the same direction, when the shorter is included in the longer distance, but contains an unfortunate exception allowing more to be charged for the short than the long haul, if the Interstate Commerce Commission allows it; and

Whereas all these provisions have been and are now being ignored and violated by the carriers, especially those operating in and through the State of North Carolina, thus defying the provisions of the said law, the effect of which is to work great injury to the commercial and industrial interests of the State of North Carolina, to the prejudice and injury of the people of this and other States; and

Whereas shippers and others, citizens of North Carolina, have appealed in vain to the Interstate Commerce Commission for protection against the present intolerable situation, as guaranteed by the provisions of the act aforesaid, and the suppression of the violations of said law on the part of the carriers; that as a result of such fruitless efforts to obtain the relief sought there has been and now is much complaint that the interstate-commerce act is not enforced according to its terms or in the spirit in which it was enacted: Therefore be it

Resolved, That the Congress of the United States be, and is hereby, respectfully petitioned by the people of North Carolina to strike out the exception to the application of the long-and-short-haul principle, and further to cause an investigation to be made of the administration of the provisions of the said interstate-commerce act, to ascertain if the said act has been interpreted and enforced as Congress intended, and in accordance with the terms thereof, and if not, the reasons for such nonenforcement; that said investigation make particular inquiry as to violations of the provisions prohibiting unreasonable rates, unjust discriminations, and violations of the long-and-short-haul clause; to ascertain if the coast cities are not the victims of unjust discriminations in freight rates as the result of combinations of railroads and water lines, the effect of which is to suppress competition and deprive coast cities of advantages to which they are entitled and would naturally enjoy by reason of lower water rates were not such combinations permitted to exist; that said investigation also ascertain if the present commerce act is sufficient to meet the conditions and practices complained of, and if not to recommend such amendments as will make the law adequate to prevent the further continuance of unjust and discriminatory practices, unreasonable charges, and the elimination of competition.

Resolved further, That the Members of Congress from the State of North Carolina be, and they are hereby, respectfully requested to exercise such influence and take such action as may be proper and necessary to cause said investigation to be made by Congress, that the information herein suggested may be elicited; and that the governor of North Carolina be respectfully requested to use his influence to the same end, by cooperating with the executives of other States and in such other manner as in his judgment seems proper.

Resolved further, That a copy of these resolutions be transmitted by the governor to each of the Senators and Members of the House in Congress from the State of North Carolina, and also that copies be transmitted to the President of the Senate and the Speaker of the House of Representatives of Congress.

In the general assembly read three times and ratified this the 6th day of October, 1913.

E. L. DAUGHTRIDGE,
President of the Senate.

WALTER MURPHY,
Speaker of the House of Representatives.

Examined and found correct.

FOR COMMITTEE.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
Raleigh, October 13, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (five sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 13th day of October, in the year of our Lord 1913.

[SEAL]

J. BRYAN GRIMES,
Secretary of State.

TRANSPORTATION OF COTTON.

Mr. FLETCHER. I present resolutions adopted by the Farmers' Educational and Cooperative Union of Texas, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Be it resolved by the Farmers' Educational and Cooperative Union of Texas, That it is to the interest of all parties concerned in the production, sale, and consumption of cotton grown in the United States, if not an imperative necessity, that a comprehensive and systematic investigation be early set on foot to determine scientifically and satisfactorily what form of package and degree of density of cotton packed or compressed for transportation will best provide economies in the transportation and handling of cotton without injury to its fiber and quality, inquiry to be made with a view to all the differing conditions, localities, and varieties of cotton involved in the decision of this question; be it further

Resolved, That for this purpose the aid of the Federal Government is invoked, through its Department of Agriculture or other proper instrumentalities, in cooperation with the producers' and buyers' organizations, the manufacturers and operators of presses and compresses, transportation agencies and manufacturers of cotton, and others interested in this important matter.

W. D. LEWIS,

President Farmers' Educational and Cooperative Union of Texas.

A. L. BAKER,

Secretary-Treasurer Farmers' Educational and Cooperative Union of Texas.

AGRICULTURAL EXTENSION WORK. ✓

Mr. SMITH of Georgia. I desire to ask the consent of the Senate to print in the RECORD a few short letters from presidents of State colleges of agriculture upon Senate bill 3091, which provides for extension work from the land-grant agricultural colleges.

I ask to have these letters printed because I do not wish to take up the time of the Senate on the bill in any way until after the currency bill has been disposed of, and yet I am quite anxious to bring it thoroughly to the attention of those Senators who were not Members of the Senate in the last Congress, that we may be prepared to act promptly upon it and with as little debate as possible after the currency bill has passed.

The VICE PRESIDENT. Without objection, that action will be taken.

The letters were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNIVERSITY OF ARIZONA,
Tucson, Ariz., September 22, 1913.

Hon. HOKE SMITH,
Senate Chamber, Washington, D. C.

MY DEAR SIR: I sincerely hope that Senate bill 3091, for extension work in agriculture and home economics, may pass the present Congress. The matter has been thoroughly discussed in all its details and should receive prompt and favorable consideration.

The economic results of the extension of education in agriculture and domestic science would be immense. The bill is definite in its statements and is so clearly limited in the range of its work that the public should expect a large degree of efficiency in the administration of the act.

Very truly, yours,

A. H. WILDE, President.

THE CONNECTICUT AGRICULTURAL COLLEGE,
Storrs, Conn., October 7, 1913.

Hon. HOKE SMITH,
Washington, D. C.

MY DEAR MR. SMITH: A considerable fund of useful knowledge has been acquired by the agricultural colleges and experiment stations. Provision should now be made for the diffusion of this practical information among the people of the several States.

Senate bill 3091, providing for cooperative agricultural extension work, should receive early consideration. I hope this bill may be enacted into law during the regular session of the present Congress.

Yours, very truly,

CHARLES L. BEACH, President.

UNIVERSITY OF FLORIDA,
OFFICE OF THE PRESIDENT,
Gainesville, Fla., October 7, 1913.

Senator HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have carefully read Senate bill 3091, which provides for cooperative agricultural extension work by the agricultural colleges of the several States.

It seems to me that just at this time this bill promises larger and more helpful results than any measure of similar character proposed in many years. The greatest need in this territory just now is a vigorous, practical, and consistent propaganda in the fields of agriculture and home economics. The recently inaugurated movement of agricultural extension work would be made doubly more efficient by means of the support which this Senate bill provides. It would result in a tremendous forward step in behalf of the rural population of the country.

I sincerely hope that this bill will speedily become a law.

Very truly, yours,

A. A. MURPHREE, President.

UNIVERSITY OF MAINE,
Orono, Me., September 20, 1913.

Hon. HOKE SMITH,
Washington, D. C.

DEAR SENATOR SMITH: I beg to thank you for sending me the copy of the Senate bill 3091.

I have read that bill with very great interest. I am in hearty sympathy with its purpose. I believe thoroughly that the making of this bill into law will do great good. I certainly hope that the measure may be favorably considered in both branches of Congress.

If I can be of any assistance in helping the matter along, I hope you will inform me.

Very sincerely, yours,

ROBERT J. ALBY.

PRESIDENT'S OFFICE,
NEW HAMPSHIRE COLLEGE,
Durham, N. H., October 2, 1913.

Senator HOKE SMITH,
Washington, D. C.

MY DEAR SIR: I have read with great care S. 3091, being a bill to provide for cooperative agricultural extension work.

I am in hearty sympathy with the purposes of this bill. Various plans for the betterment of our agricultural conditions have been tried, but none gives such promise of real and actual help as cooperative extension work. Years of experience demonstrate that many of the best things worked out by actual experiment in our agricultural colleges and conveyed to the farmers through bulletins or through farmers' institutes make really little impression. Somehow or in some way the facts, however important, do not lay hold upon the imagination of the average farmer with sufficient force to insure their application. But cooperative work, actual and practical demonstration, where the farmer may see principles demonstrated, is actually effective. For this reason I am heartily in favor of this bill. It properly proposes to share the burden with the State and also is intended to afford a sufficient sum of money to be of real assistance.

An element of peculiar value in this bill is the recognition of the home as the basis of all national well-being. The provision for cooperative work in home economics should by all means be retained.

Very truly, yours,

E. T. FAIRCHILD, President.

THE NORTH CAROLINA COLLEGE OF
AGRICULTURE AND MECHANIC ARTS,
West Raleigh, September 20, 1913.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: It seems to me that no money could be better spent by our Government than money to promote the cause of agricultural development. The bill introduced by you will be of immense service to the farming interests of the United States. I trust Congress in its wisdom will pass it.

Yours, very truly,

D. H. HILL, President.

THE PENNSYLVANIA STATE COLLEGE,
OFFICE OF THE PRESIDENT,
State College, Pa., September 19, 1913.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SIR: Senate bill 3091, providing for agricultural and home economics extension work through the State colleges, appeals to me as sane, feasible, and adequate. The need of effort along these lines is generally admitted, the cooperation of the Nation and the several States is likely to produce the most effective agency, and the enactment of this law will lead to systematic, uniform, and widespread effort where only spasmodic and desultory movements have hitherto been produced.

Pennsylvania last winter enacted its first extension law, and this action is a warrant that the State will gladly cooperate with the Nation in furthering this unparalleled public benefit. I sincerely trust the present Congress will signalize its expressed desire to legislate for the public welfare by passing this bill.

Very truly, yours,

EDWIN E. SPARKS.

THE CLEMSON AGRICULTURAL COLLEGE,
PRESIDENT'S OFFICE,
Clemson College, S. C., October 11, 1913.

Senator HOKE SMITH,
Washington, D. C.

DEAR SENATOR SMITH: In answer to your request of September 17 I beg to say that Senate bill No. 3091, familiarly known as the Smith-Lever extension bill, is, in my mind, one of the most important pieces of constructive legislation ever presented to the Congress of the United States.

In South Carolina, where demonstration and extension work have been closely linked for several years and we have had a chance to judge of the results, we have brought about, even with limited funds, an agricultural transformation that is little short of marvelous. The fact that this small State will this year produce nearly \$200,000,000 worth of agricultural products is to some degree a comment on the efficiency of the demonstration and extension work in which the college and the agricultural department are jointly engaged. All that is lacking to

make the work effective in every State is proper organization and sufficient money. These are both provided for in the pending bill.

With best wishes for your success, I am,

Yours, very truly,

W. M. RIGGS, President.

AGRICULTURAL COLLEGE OF UTAH,
Logan, Utah, September 24, 1913.

Senator HOKE SMITH,
Washington, D. C.

DEAR SIR: I have your letter of September 17 and also a copy of Senate bill 3091. I have examined it and, as I have written you before, I very heartily agree with the provisions of this act. No more important bill for the development of agriculture in our country can be passed than this one. The crying need at the present time is for an easy opportunity of carrying the experiment stations and agricultural colleges directly to the men and women who labor on the farms. Your bill will be a large factor in providing for this.

Sincerely, yours,

JOHN A. WIDTSOE, President.

WEST VIRGINIA UNIVERSITY,
Morgantown, October 4, 1913.

Hon. HOKE SMITH, Washington, D. C.

MY DEAR SIR: Let me thank you for the copy of your bill providing for agricultural extension work (S. 3091), which you were so kind as to send me some days ago. I can not think of any other legislation at this time that Congress could enact in the interest of agricultural education that would mean so much as the passage of this bill. In West Virginia we are ready for it and waiting for it. Our State legislature has established in the university a department of agricultural and home economics extension and has given a very liberal appropriation to it. The cooperation of the United States Government contemplated by your bill would be of incalculable value to us, and I am sure the same could be said of every other State as well as of West Virginia.

I hope that you may be successful in securing favorable action upon the bill at an early date.

Very truly, yours,

THOS. E. HODGES.

THE UNIVERSITY OF WYOMING,
OFFICE OF THE PRESIDENT,
Laramie, September 23, 1913.

Senator HOKE SMITH,
United States Senate, Washington, D. C.

DEAR SIR: I have received a copy of your redraft bill (S. 3091) providing for Federal support of agricultural extension work. This bill is of very great importance to the land-grant colleges of the United States, because its passage would make possible the better development of a form of education greatly needed throughout the country. The State of Wyoming, through the agricultural college of this university, is now spending \$5,000 a year for agricultural extension work. This sum enables us to make only a beginning in meeting the needs of the people of the State. I hope Congress will speedily approve your bill.

Very truly,

C. A. DUNIWAY, President.

WORLD'S PURITY FEDERATION.

Mr. SMITH of Arizona. From the Committee on Foreign Relations, I report back favorably, without amendment, the joint resolution (H. J. Res. 125) authorizing the President to appoint delegates to attend the Seventh International Congress of the World's Purity Federation, to be held in the city of Minneapolis, State of Minnesota, November 7 to 12, 1913, and I submit a report (No. 120) thereon. I ask unanimous consent for the present consideration of the joint resolution.

Mr. SMOOT. Let it be read in full.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested to appoint delegates to attend and represent the United States at the Seventh International Congress of the World's Purity Federation, to be held in the city of Minneapolis, State of Minnesota, November 7 to 12, 1913.

Mr. SMITH of Arizona. The joint resolution has passed the House.

Mr. SMOOT. It carries no appropriation?

Mr. SMITH of Arizona. It carries no appropriation.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent for the present consideration of the resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. FRANK PARKER.

Mr. BRADY. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 746) for the relief of Capt. Frank Parker, and I submit a report (No. 121) thereon. I ask for the immediate consideration of the bill.

Mr. SMOOT. I should like to ask the Senator from Idaho if this is a unanimous report of the committee.

Mr. BRADY. It is not a unanimous report, but it is a favorable report.

Mr. SMOOT. Are any members of the committee opposed to the bill present in the Chamber?

Mr. BRADY. The bill was introduced by the Senator from South Carolina [Mr. TILLMAN], who is present.

Mr. TILLMAN. I have here an explanation of the bill. I will send it to the desk and it can be read.

Mr. SMOOT. I will say to the Senator from South Carolina the only reason why I made the inquiry of the Senator from Idaho was that he asked unanimous consent for the immediate consideration of the bill, and I wished to know if it was unanimously reported from the committee.

Mr. TILLMAN. As the Senator from Utah knows, it is very difficult to get the unanimous agreement of a committee about anything now, because there are very few members here.

Mr. CLAPP. If the Senator will pardon an interruption, I will make a brief explanation. What the Senator from Idaho meant is not that there was opposition to the bill, but that in view of the absence of some of the members of the committee all did not approve the bill.

Mr. SMOOT. Do I understand that there was no opposition in the committee to the bill?

Mr. BRADY. There was none, except by one Member, and I understand that he is not going to object to the bill. The committee gave the bill very careful consideration, and practically every member of the committee is in favor of its passage.

Mr. SMOOT. Of course I would not object to the present consideration of the bill if it was a unanimous report. The only reason why I called the Senator's attention to the matter was that if there was objection in the committee to the bill and the members objecting to it were not present, then I thought it unwise to ask for unanimous consent for its consideration. But on the explanation of the Senator from Idaho I shall not object to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that nothing contained in the proviso under the heading "Pay of officers of the line" in the act approved August 24, 1912, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," shall be held to apply to the service of Capt. Frank Parker, United States Army, for the period necessary for him to complete his present tour of duty at L'Ecole de Guerre, France.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRADY. From the Committee on Military Affairs I report back the bill (S. 528) for the relief of Capt. Frank Parker, with the request that it be postponed indefinitely, as the subject matter is covered by the bill which has just passed the Senate.

The VICE PRESIDENT. The bill will be postponed indefinitely.

HEIRS OF DECEASED INDIANS.

Mr. LANE. I wish to introduce a bill and to ask unanimous consent for its immediate consideration, it being an emergency matter. The discussion of the measure will not take up much time.

Mr. SMOOT. Do I understand that it is a committee report, or is it a bill which the Senator introduces?

Mr. LANE. It is a bill that I introduce.

Mr. SMOOT. That is against the rule of the Senate.

Mr. LANE. I am sorry it is. It is unfortunate, because the bill should be passed. It has been considered by committees. It is in relation to an Indian appropriation. It proposes to assign a special fund of \$10,000 out of an appropriation of \$50,000 which has already been made for the purpose of carrying out the intent of the measure and the instructions of Congress. Its purpose is to determine who are the heirs to certain land, and in the determination there is a fee fixed upon each allotment by which under this act the Government will secure a profit. It is the one individual case, I presume, which has been presented by which the Government may make a gain. It has been considered by committees and is perfectly legitimate, and it ought to be passed.

Mr. SMOOT. I have no objection whatever to the consideration of the bill, but I should like to have it considered in its proper order. If the bill has been considered by the committee, I suggest that the Senator introduce it and that it be referred to the committee, and that the committee immediately report it to the Senate, and then he can ask for its immediate consideration. There will be no objection on my part if that course is taken.

Mr. LANE. Very well; let the bill be read and referred.

The bill (S. 3296) to enable the Commissioner of Indian Affairs to employ additional clerks on heirship work in the Indian Office was read twice by its title and referred to the Committee on Indian Affairs.

Mr. LANE subsequently said: After conferring with all the members of the Committee on Indian Affairs who are present, I

am prepared now to report the bill (S. 3296) which I introduced this morning, and I ask unanimous consent for its consideration at this time.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of a bill just reported by him, which will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs is hereby authorized to use not to exceed \$10,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, out of the \$50,000 appropriated in the Indian appropriation act for the fiscal year ending June 30, 1914, for the purpose of determining the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., p. 855).

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LANE:

A bill (S. 3297) making an appropriation of \$750,000 for the construction of a dredger to be used in the improvement of the harbor of the Columbia River; to the Committee on Commerce.

By Mr. KERN:

A bill (S. 3298) granting an increase of pension to Olive Ruark (with accompanying papers);

A bill (S. 3299) granting an increase of pension to Leonidas Folckemer (with accompanying papers); and

A bill (S. 3300) granting an increase of pension to James Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3301) granting a pension to Louis M. Smith (with accompanying papers); to the Committee on Pensions.

IMPORTS AND DUTIES UNDER TARIFF ACT.

Mr. SMOOT. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 192) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a copy of the estimated receipts from customs made by conference committee report on H. R. 3321 for the year 1915, as prepared by experts of the Treasury Department and delivered on or shortly before September 30, 1913, to the Hon. OSCAR W. UNDERWOOD, chairman of the Ways and Means Committee of the House of Representatives, showing the estimated amount of imports and duties and ad valorem rates for each of the schedules of the bill; also the total estimated amount of imports and duties with the average ad valorem rate.

Mr. SMITH of Georgia. Mr. President, ordinarily I do not think any resolution of that sort ought to be passed without going over and being perhaps referred to the committee that has charge of the subject matter; but this seems to me such a simple inquiry for a proper matter of information, if the Senate wants it I will not insist upon what I think should be the usual rule.

Mr. SMOOT. All the resolution calls for is certain information, and I do not see why there should be any objection to its adoption.

The resolution was considered by unanimous consent and agreed to.

RICHARD M. NELSON.

Mr. BANKHEAD submitted the following resolution (S. Res. 193), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Richard M. Nelson the sum of \$1,200 per annum, same being for services as messenger to the Committee on Expenditures in the Post Office Department from August 10, 1913, to —.

Mr. BANKHEAD submitted the following resolution (S. Res. 194), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby directed to place upon the rolls of the Senate as messenger to the Committee on Expenditures in the Post Office Department, from the date of the adoption of this resolution, the name of Richard M. Nelson, such appointment to hold until the election of a chairman of said committee.

THE MEXICAN COTTON-BOLL WEEVIL.

Mr. SMITH of Georgia submitted the following order, which was read:

Ordered, That 4,800 copies of Senate Document No. 305, Sixty-second Congress, second session, Mexican cotton-boll weevil, be printed for the use of the Senate document room.

Mr. SMITH of Georgia. This document came from the President of the United States, prepared under the direction of the Secretary of Agriculture. It is a most comprehensive presentation of the investigation by the department of the boll weevil and the remedies that have been successfully used to resist its progress. The edition is exhausted, the copies having been used in the territory in which the boll weevil was at the time progressing, and now I have had calls for the publication from the State entomologists of Georgia and from eastern Alabama and northern Florida, stating that they are exceedingly anxious to put this book into the hands of their instructors.

Mr. SMOOT. I simply wish to ask a question to keep the Record straight. Has the Senator an estimate of the cost of the 4,800 copies?

Mr. SMITH of Georgia. I asked the Printing Office to let me know, and I was informed that this number—4,850—certainly could be printed for \$500.

Mr. SMOOT. It will come within the \$500 limit?

Mr. SMITH of Georgia. I was advised from the Printing Office it would come within the \$500 limit.

The order was considered by unanimous consent and agreed to.

ADDRESS BY GORDON JONES (S. DOC. NO. 212).

Mr. FLETCHER. I ask unanimous consent to have printed as a public document an address on some methods of financing the farmer, delivered by Mr. Gordon Jones before the Chamber of Commerce of Denver, the conference of governors at Colorado Springs, and the Colorado Banking Association at Denver. I think it is a very valuable contribution to the subject.

The PRESIDING OFFICER (Mr. WALSH in the chair). The Senator from Florida asks unanimous consent for publication as a public document of the address sent to the desk. Is there objection. The Chair hears none.

SENATOR TILLMAN'S RETROSPECT OF 18 YEARS.

Mr. SMOOT. On October 13, at the last meeting of the Senate, I called attention to the printing in the Record of October 7 of certain illustrations, and while I was making the statement the Presiding Officer [Mr. OWEN] stated that he was informed that the matter was to be printed as a public document and that the order to print the cartoons had been reconsidered, and they would not appear in the permanent Record.

I desire to ask the chairman of the Printing Committee [Mr. FLETCHER] if it was his understanding that the action taken on October 9, wherein he asked for a reconsideration of the printing of the cartoons has the effect of preventing them from being printed in the permanent Record. I will call the Senator's attention to the Record.

Mr. FLETCHER. I have been requested by the Senator from South Carolina [Mr. TILLMAN] to move that the order of the Senate of October 3 providing for the printing as a public document of an article prepared 18 years ago for the New York World, giving the impressions and the then beliefs of Senator TILLMAN about Wall Street and what is called "the money power," be reconsidered.

The VICE PRESIDENT. Without objection, the order of the Senate of October 3 will be reconsidered.

Mr. FLETCHER. On behalf of the Senator from South Carolina [Mr. TILLMAN] and at his request, I offer the following order and ask for its adoption.

There being no objection, the order was read, considered by unanimous consent, and agreed to, as follows:

"Ordered, That my remarks of October 3, 1913, together with an article prepared 18 years ago for the New York World, giving the impressions and the then beliefs of Senator TILLMAN about Wall Street and what is called 'the money power,' be printed as a document, with accompanying illustrations."

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Do I understand the chairman of the committee to mean that reconsideration simply allowed the document to be printed as a public document and that in the permanent Record the printing of the cartoons would not be included?

Mr. FLETCHER. Mr. President, I do not so understand. When the Senator from South Carolina preferred his request, it was that the illustrations be printed in the Record and also that the article be printed as a public document. That was agreed to. The Senator in that request omitted to ask that the illustrations also be printed; and when the question came as to the printing of the article as a public document, the words "with illustrations" having been omitted, the committee took up the question with the Senator. The object of the reconsideration was to reconsider only that portion of the original request which referred to the printing of the article as a public document. As I stated in my remarks, I moved that the order of the Senate of October 3, providing for the printing as a public document of an article prepared 18 years ago, and so forth, be reconsidered. The action of the Senate in placing the article and illustrations in the Record was not reconsidered, but the action of the Senate in ordering the matter printed as a public document was reconsidered. Then the motion was made to print it as a public document with accompanying illustrations.

Therefore, the purpose of the reconsideration was to have the article printed as a public document with the accompanying illustrations, which language had been omitted in the original order asked for by the Senator from South Carolina. It was simply to cure that defect that the reconsideration was obtained. The reconsideration had no reference to reconsidering the action of the Senate in printing the illustrations in the Record.

Mr. SMOOT. Mr. President, that is exactly as I understand the Record, and I was quite surprised when the Presiding Officer on October 3 stated that he was informed—there is no doubt he was so informed—that the matter was to be printed as a public document, and that the order to print the cartoons had been reconsidered and they would not appear in the permanent Record.

The object that I have, Mr. President, in bringing this matter to the attention of the Senate is this: As I stated the other day, I have not the least objection to the matter being printed with the illustrations as a public document, but I do think it is wrong to allow cartoons of that kind to enter the permanent CONGRESSIONAL RECORD.

Mr. TILLMAN. May I ask the Senator from Utah why?

Mr. SMOOT. Well, Mr. President, I will say to the Senator that the Joint Committee on Printing of the two Houses agreed, and for the last five or six years have insisted, that cartoons of this character be kept out of the Record. The House has lived strictly to that agreement, and this is the first time since that agreement was made between the two Houses that cartoons of this kind have entered the Record.

Mr. TILLMAN. This is a special case.

Mr. SMOOT. Each cartoon is considered a special case by the one requesting its publication. For instance, the scales used in the weighing of sugar by the Sugar Trust by which the Government was defrauded of millions of dollars was asked to be put into the Record. The request was referred to the Joint Committee on Printing, but not granted.

I remember the Senator from Washington, Mr. Piles, in making a speech on the tariff in 1909 desired that the pictures of a number of shingle mills in the State of Washington be put into the Record. The Joint Committee on Printing decided otherwise, and they were kept out of the Record.

I say to the Senator from South Carolina I do not object at all if he desires that the article with the illustrations be printed as a public document, but I do not believe that the CONGRESSIONAL RECORD ought to be burdened with such cartoons or illustrations of any kind, with the exception of the outline of the map of the United States or a plain diagram used to illustrate some question in a speech that had been delivered.

I now simply call that to the Senator's attention, and I believe that, after due consideration, the Senator will agree that what I have suggested is the proper course, and that the Record is not the place in which illustrations and cartoons should appear.

Mr. TILLMAN. While agreeing to that phase of it, it seems to me that in the interest of the truth of history, as allusions may be made to this public document from time to time, it is only proper that the cartoons should also appear in the CONGRESSIONAL RECORD.

Mr. SMOOT. I do not think, Mr. President, the proper place for those cartoons is in the CONGRESSIONAL RECORD. As I said before, the article with the illustrations will be printed as a public document, and Senators can refer to that at any time. If the question ever arises in the mind of anyone, and he desires to look this up in the Record, he will find that it was printed as a public document, and all he would have to do would be to ask for and procure a copy of the public document.

Mr. TILLMAN. It is very much easier to look at the index for the cartoons than it is to go and look for them in another book. I insist, if I have a right to insist, that the cartoons shall go into the permanent Record. The Senate has already ordered them there; and unless the Senator from Utah is going to fight this to the bitter end, I want the Senate, just for my sake, to let these cartoons stay in the permanent Record.

Mr. SMOOT. I want to put myself clear on this point. I know how the House feels in relation to it, and I do not want the members of the Joint Committee on Printing of the House to feel that the members of that committee on the part of the Senate have virtually violated the agreement that they had arrived at in relation to the printing of cartoons in the Record.

Mr. TILLMAN. This is an exceptional case.

Mr. SMOOT. Mr. President, very many exceptional cases have been brought to the attention of the committee, but we have thought that no case was of sufficient importance that we should encumber the Record with it. For instance, I will say to the Senator from South Carolina that only a year ago a Representative from the State of New York delivered what was

called "a speech of silence." He had a cartoon, and the exhibition of the cartoon was all that he did in the way of a speech, if a speech it could be called. He insisted that the cartoon was his speech and that it should go into the RECORD. I repeat, the so-called speech was merely a cartoon. It did not appear in the RECORD, and it was right that it should not appear there.

Mr. TILLMAN. I can not conceive how you would depict silence except by a blank page.

Mr. SMOOT. I will explain to the Senator that the cartoon was of a large dinner pail with a sentence, I think, printed above it and a sentence below it. The gentleman walked down the aisle, stood in front of the House, and offered that as his speech; but it did not go into the RECORD, as I have said to the Senator. I believe, Mr. President, that the permanent RECORD should not be encumbered with such cartoons; but I shall not ask for a reconsideration of the matter to-day. I am going to say, however, to the chairman of the Joint Committee on Printing, the Senator from Florida [Mr. FLETCHER], that at our next meeting I shall bring this question before that committee. If they decide that the cartoons shall go into the permanent RECORD, all well and good; but I want it understood that, so far as I am concerned, I have adhered strictly to our rule, and I believe that the position of the joint committee is correct in keeping cartoons out of the RECORD.

Mr. SHEPPARD. Mr. President, I should like to ask the Senator a question.

Mr. SMOOT. Certainly.

Mr. SHEPPARD. Does not the Senator think that a strict application of the rule would also include maps?

Mr. SMOOT. No; because sometimes, in order to show the division of population and the location of the industries of this country, it is necessary that a map be put into the RECORD; but since the order to which I have referred was agreed to by the Joint Committee on Printing, I will say that this is the first cartoon that has appeared in the RECORD.

Mr. SHEPPARD. Would you exclude maps of other countries?

Mr. SMOOT. We always have done so. The only illustrations that have gone into the RECORD have been outlines of the map of the United States or a plain diagram.

Mr. FLETCHER. Mr. President, the action of the Senate was had on October 3, and the RECORD shows on page 5381 the request of the Senator from South Carolina, and at the conclusion the following:

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina that the matter referred to by him be published in the RECORD and also as a public document? The Chair hears none, and it is so ordered.

That was the action of the Senate. The question of the illustrations went to the Joint Committee on Printing, and the Members of the House who are on that committee as well as those of the Senate took up the question, and the illustrations were ordered inserted with the consent both of the Senate and the House members of the Joint Committee on Printing.

Mr. SMOOT. That was in relation to the public document, and I have no objection to that.

Mr. FLETCHER. The Senate had ordered the whole thing printed in the RECORD and also as a public document. The order simply omitted the words "with illustrations" in connection with the printing as a public document.

Mr. SMOOT. I will say nothing more about it at this time, but as I have stated I shall bring the matter up in the Joint Committee on Printing.

Mr. BRISTOW. I should like to inquire of the chairman of the Joint Committee on Printing if he proposes to let other Senators have the same privilege, if they desire it, in regard to cartoons illustrating their views?

Mr. FLETCHER. Mr. President, it is impossible to answer that question. I can only say that the Joint Committee on Printing does not propose to discriminate in any way whatever. The committee must have in view the bulk of the RECORD, the space taken by illustrations, the time required for preparing and getting them in the RECORD, and the fact that the RECORD must be placed on the desks of Senators and Representatives on the morning after the matters which it records take place; so that it may be impossible to allow illustrations from time to time. It depends on the character of the illustrations. In this instance the Senator from South Carolina had the cuts and furnished them himself. They did not have to be made, and no time was required for their preparation. The circumstances will have to control in each instance.

I will say to the Senator that there is a very strong disposition on the part of the Joint Committee on Printing to exclude illustrations wherever we can reasonably do so or wherever they

may possibly have the effect of delaying the printing or interfering with the publication of the RECORD.

Mr. BRISTOW. I simply wanted to know, if it is to be the policy of the Senate to permit cartoons, illustrating the ideas of Senators, to go into the RECORD, whether there is going to be any discrimination. Because the cartoons in this instance happen to be in connection with rather a popular issue should not be any reason why they should go in if the privilege is to be denied some other Senator who may have views he desires to illustrate which may not be so popular.

Mr. FLETCHER. I will say to the Senator that there is no such policy on the part of the Joint Committee on Printing. I will call his attention again to the fact that the request of the Senator from South Carolina was preferred in the open Senate and that unanimous consent was given by the Senate for the printing of this article with illustrations in the RECORD.

Mr. SMOOT. Of course the Senator knows that if I had been present I would have objected to printing the cartoons in the RECORD. I ask the Senate to look at the page of the RECORD containing the cartoons. I can say, Mr. President, that if the CONGRESSIONAL RECORD is to be filled with cartoons similar to these it will become a very grotesque publication; and I hope that the Senate hereafter will refuse to consent to their being printed in the RECORD, because I think it is absolutely wrong.

IMPORTATION OF GOODS IN AMERICAN VESSELS.

Mr. MARTINE of New Jersey. Mr. President, with the approaching completion of the Panama Canal, I have received many letters and newspaper clippings urging that the clause in the House tariff bill granting to goods imported in American vessels a rebate of 5 per cent in customs duties is in contravention of the terms of the Hay-Pauncefote treaty and urging that I use my influence and vote to secure the repeal of the clause.

Mr. President, I have felt that I might respond to my correspondents and also to the country that to my mind there are two ways in which this difficulty might be harmonized and settled, viz, one through the repeal of the clause and the other through the repeal of the Hay-Pauncefote treaty. I much prefer the latter course. It is suggested that if our bill does not fit the treaty then let us make the treaty to fit our bill. Our cousins on the other side tell us that if we do not repeal this feature "they will not use the canal; they will not play in our back yard any more"; that they will build a canal of their own at Atrato River or at some other place. Godspeed them. Let them build one at every parallel. We will get 50 cents of every dollar they expend, though they do their best. If there is not commercial use enough for them all, they will at least make drainage canals, drying up the swamps and jungles. A year or so ago we were told that the Hay-Pauncefote treaty forbade us from fixing canal tolls that favored our own ships. Now we are told that under this treaty "we can not rebate to shippers freighting in our own ships." Mr. President, I am growing to believe that if some diplomat or foreign sympathizer will look close enough into this Hay-Pauncefote treaty he will discover that we as a nation have no right to exist at all.

The Governments who claim to have a most-favored-nation clause—and most of the foreign nations have such a treaty clause—insist that we have no such right, and, if carried out, they will grant commercial reprisals. Well, let them try it. I think in such a dispute America would at least hold her own. If Germany should elect to try it on, we would shut off her supplies of cotton, copper, phosphates, and so forth. To Great Britain we would give the same medicine. Should South America throw down the gauntlet, we could shut out their coffee and rubber and in a little while ruin would stare them in the face. Japan needs our cotton, and besides this we are her best market. No Senator or citizen desires a commercial or any other kind of war. It is well known, however, that German railways and steamships discriminate in favor of their own commerce and trade. It is a fact that the German Government penalizes Americans who want to buy phosphate, restricting the amount to be purchased, and yet German owners of American phosphate mines carry shipload after shipload from our shores without even a murmur or sign of a protest.

Mr. President, Great Britain makes rebates to her vessels that pass through the Suez Canal; she also grants subsidies to her own ocean craft without let or molestation from us. To-day I have read in the newspapers a quotation from the writings of William W. Bates, who was Commissioner of Navigation under President Cleveland and is a student of this subject. He says:

It is well known that all nations that have entered into conventions with the United States for nonprotection of shipping—for that was their object—have practically repudiated their obligations, finding an advantage in an open commerce but disservice from want of protection. In one way or another an honest fulfillment of obligations has been artfully evaded on their part. They do not return to discriminating duties, but effect their purpose through subsidy, subvention, bounty,

or other largess in "aid" of shipping in thorough contempt of convention equities.

Some take these facts for argument for countersubsidizing, but they are legitimate reasons for terminating all our ship conventions and returning to our original policy. Why should we feel bound to keep alive a lapsed and dishonored agreement?

Mr. President, I am satisfied that the Congress of the United States acted both wisely and patriotically when the canal tolls and rebate clauses were adopted as a part of our bill, and I feel like "standing pat" on our action.

Mr. President, I believe I am fair—yes; I know I am fair. I want no unfair advantage over any man or nation; but when it comes to the management of our own internal affairs, I say to the world, "Hands off!"

THE MERCHANT MARINE.

Mr. LA FOLLETTE. I submit an amendment in the form of a bill, or a bill in the form of an amendment, which I propose to offer as a substitute for Senate bill 136, which by unanimous consent is made a special order for to-day at the conclusion of the routine morning business. I ask to have the substitute printed and lie on the table.

The VICE PRESIDENT. It will be printed and lie on the table.

Mr. LA FOLLETTE. I ask to have printed in bill form Senate bill 136, together with the substitute which I have proposed, one in roman and the other in small capitals, showing the changes which the substitute makes in the bill as reported by the committee. I ask to have it printed in bill form. It will be a great convenience to the Senate in considering the relation of the different sections.

The VICE PRESIDENT. Without objection, it will be so ordered.

CONFEDERATE STOCKADE CEMETERY, JOHNSTONS ISLAND, OHIO.

Mr. POMERENE. I ask unanimous consent to take up for consideration Order of Business No. 73, being the bill (S. 2374) providing for the care of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay. It is a purely local bill.

Mr. LA FOLLETTE. I have no objection to the consideration of the bill or any other bill which may be taken up as a part of the routine business, if it is not an impairment of the unanimous-consent agreement which was entered into for the consideration of the seamen's bill.

The VICE PRESIDENT. The morning business is not closed. If there is no objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. SMOOT. Mr. President, I do not wish to object at this time. I wish to ask the Senator, however, in what way has this cemetery been cared for in the past?

Mr. POMERENE. During the war a prison for Confederate officers was established on this island, and for a long time it was privately owned, as I understand. A few years ago the Robert Patton Chapter of the United Daughters of the Confederacy acquired title to the cemetery, and it has been cared for by private subscription. In this work there has been joint action between the Robert Patton Chapter and members of the Grand Army of the Republic located in Sandusky. Among the men who have been very specially interested in this matter is the Hon. John A. Mack, who is one of the leading citizens of the State of Ohio, a Republican, and an active member of the Grand Army of the Republic.

Mr. SMOOT. May I ask the Senator if the title to the cemetery is in the United States?

Mr. POMERENE. It is not, if the Senator please. There are, I think, four or five other Confederate cemeteries in the Northern States the title to which has been acquired by the Government; but in view of the fact that this title was acquired by the Robert Patton Chapter they have declined, for reasons of their own, to convey it to the Government. The matter has been submitted to the Secretary of War, however, and he recommends this appropriation notwithstanding the fact that the title is not in the Government.

Mr. SMOOT. Mr. President, it is quite a departure from all of our past customs to make an appropriation to take care of any property that does not belong to the Government of the United States. I have not the least objection to the appropriation for the cemetery. The object is a worthy one. I really believe, however, that it would be very much better to have the title to the cemetery transferred to the United States before we make any appropriation for it.

Mr. POMERENE. I recognize the fact that there is room for difference of opinion upon that subject, and ordinarily I should acquiesce in the view of the Senator from Utah. It seems to me, however, that this is an exceptional case. This cemetery for many years was neglected, until the matter was

taken up by private parties. I hope there will be no objection to the consideration of the bill at this time.

Mr. SMOOT. I ask the Senator to let the bill go over to-day, and I will talk to him further about it. There are a number of questions I should like to ask him, and perhaps they would unnecessarily consume the time of the Senate now. I should like to have the bill go over to-day.

Mr. BACON. If the Senator will pardon me for a moment, I understand this is an appropriation for this year only, is it not?

Mr. SMOOT. Oh, no; it is a continuing appropriation.

Mr. POMERENE. It is a continuing appropriation.

Mr. SMOOT. It is to be made each year hereafter.

Mr. POMERENE. To be expended under the direction of the Secretary of War.

Mr. BACON. Thinking it was an annual appropriation, I was going to suggest that it might be made for this year and the question of which the Senator speaks might be taken up hereafter. I really think it ought to be done.

Mr. SMOOT. I do, too.

Mr. BACON. Johnstons Island is a very noted place and, as stated by the Senator from Ohio, for a long number of years the care of these graves has been not a little neglected. It was only after private individuals interested themselves in the cemetery that any attention whatever was paid to it. It seems to me that after all this long period of neglect it is as little as the Government can do to make this very small appropriation for the care of the cemetery.

There is practically no reason in this case why the question of title should be important. It is important as to every piece of property upon which the Government is to make expenditures, such as sites for post-office buildings, or forts, or anything else. In such cases it is a general provision of law that the Government must have title; but there is no manner in which the question of this title will ever be raised in such a way as to jeopardize any interest of the United States. It is, at last, a simple question of the care of these graves, whether the title is in the Government or in private individuals.

Mr. SMOOT. I will say to the Senator that the idea I had in mind was that as long as the property is in private ownership we will never know into whose hands it is going to fall. As long as private individuals have the title they can do with it anything they desire. It is my opinion, of course, that the property ought to remain as a cemetery and be taken care of by the Government as a noted place in the history of this country; but I do think the only proper way to accomplish that would be to have the title to the property in the name of the United States.

Mr. POMERENE. Mr. President, if this cemetery were in reality owned by private parties I certainly should agree with the Senator from Utah; but the title is in the Daughters of the Confederacy. It is a cemetery. There are 153 marked graves and 53 unmarked graves in it. I can not conceive that property of this character could be or would be used for any other purpose than a cemetery. It has been cared for each year as Decoration Day came around by the comrades of the Grand Army of the Republic in that vicinity. Necessarily we would all feel and do feel that it ought to be cared for.

Mr. BACON. If the time ever comes when it is devoted to any other purpose, it will be a very easy matter to withdraw the appropriation.

Mr. SMOOT. I was going to say that the suggestion made by the Senator from Georgia, that the appropriation be made for this year only, is a wise one. If made for this year, I think the estimate ought to be made by the War Department each year hereafter, and it ought to come in the regular appropriation bill. I think that would be the proper way to proceed, to provide for the care of that cemetery the same as we appropriate for all the other cemeteries.

Mr. BACON. I think the Senator must have misunderstood me. I did not suggest that that be done. I simply stated that I understood that it was that way in the bill. I think it is very much better that it should be a continuing appropriation.

Mr. SMOOT. I misunderstood the Senator, then.

Mr. POMERENE. Would it meet the objection of the Senator from Utah if there were a provision inserted in the bill to the effect that this appropriation should be continued only so long as the property should be used for cemetery purposes?

Mr. SMOOT. I do not believe it would ever be continued longer than the property should be used for cemetery purposes. I believe the law would be repealed, as the Senator suggests; so I have no objection as far as that is concerned.

In view of the fact that I am in favor of the object of the bill, although I believe it ought to be reached in a different way, and since the Senators seem so deeply interested in it, I shall

not object to its present consideration. I do wish to say, however, that I hope this will never be taken as a precedent for appropriating money to take care of property not owned by the Government of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the words "direction of the," to strike out "War Department" and insert "Secretary of War," so as to make the bill read:

Be it enacted, etc., That there shall be, and hereby is, appropriated each year, beginning July 1, 1913, the sum of \$250 for the care and maintenance of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay, out of funds not otherwise appropriated, the same to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Morning business is closed.

THE MERCHANT MARINE.

Mr. FLETCHER. Mr. President, I desire to call attention to the unanimous-consent agreement that immediately upon the conclusion of the routine morning business to-day the Senate would proceed to the consideration of Senate bill No. 136. I therefore ask that the bill be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate Senate bill 136.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea.

Mr. FLETCHER. I ask to have the bill read.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

Sec. 2. That in all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following named legal holidays: New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, Election Day, and Christmas, but this provision shall not prevent the doing of work necessary to the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. At all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seaman shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 24 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency as hereinbefore provided. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Sec. 3. That section 4520 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4520. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

Sec. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4530. Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-

half part of the wages which he shall have earned at said port, and all stipulations of contract to the contrary shall be null and void: *Provided*, That wages earned during the first five days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract. When the voyage is ended, every seaman shall be entitled to the remainder of the wages which shall then be due to him as provided in section 4529 of the Revised Statutes. This section shall not apply to fishing or whaling vessels or yachts: *Provided further*, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies when such vessels are in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

Sec. 5. That the second paragraph of section 4552 of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 4552. Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement: *Provided*, That any court having competent jurisdiction may, upon good cause shown, set aside such release and take such action as justice may require."

Sec. 6. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon in any of these or like cases the consular or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

Sec. 7. That places appropriated and used upon all merchant vessels of the United States as a lodging for crews shall be properly lighted, drained, heated, and ventilated, properly protected from sea and weather, and, as far as practicable, properly shut off and protected from the effluvia of the cargo or bilge water; and every such crew space shall be kept free from goods or stores not being the personal property of any of the crew occupying said place during the voyage; that on all merchant vessels of the United States, the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of any class of less than 200 tons register, every place appropriated to the crew of the vessel for lodgings shall have a space of not less than 120 cubic feet and not less than 18 square feet, measured on the floor or deck, for each seaman or apprentice lodged therein: *Provided*, That these space allotments may be reduced not more than 20 per cent in case a separate space is provided for mess-room purposes.

That in addition to the space allotment for lodgings hereinbefore provided on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

The spaces for the crew shall have wooden flooring, or be covered with some substance impervious to water and a nonconductor of heat and which may be easily cleaned. The sides and ceilings shall be painted in a light oil color, and iron ceilings or walls, if used, must be provided with a covering which will prevent dripping. Each seaman or apprentice shall be allowed a berth at least 2 feet in width and 6 feet in length for his sole use, and the distance between the floor and the bottom of the lower berth shall be at least 10 inches, and not more than two berths shall be in a tier.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

Every merchant vessel of the United States, the construction of which shall be begun after the passage of this act, having exclusive of licensed officers a deck crew of 20 or more men (except fishing vessels, yachts, pilot boats, and vessels of less than 200 gross tons), shall have for the use of the sailors at least one light, clean, and properly ventilated wash room, which shall be provided with not less than one washbasin for each two men of a watch, except those for whom individual washing accommodations are provided elsewhere. A special wash room shall be provided for the firemen, provided that their number is not less than 10, exclusive of licensed officers, so situated that the men can reach it on the way from the engine rooms, boiler rooms, or coal bunkers before entering their quarters, and of such size that at least half the watch can wash at the same time. It shall be provided with at least one shower bath for each four men of the watch, and with at least one washbasin for each two men of the watch, except those for whom individual washing and bathing accommodations are provided elsewhere. The sides and ceilings of all wash rooms shall be painted in light oil color. The wash rooms shall be supplied with sufficient quantities of soap and running water, both hot and cold wherever practicable, and in the case of firemen at least 2 gallons of fresh water shall be available for the use of each man at the end of his watch. Wash rooms shall be cleaned at least once each day.

The equipment hereinbefore provided for shall be certified to by the local inspectors at each annual inspection.

Any failure to comply with this section shall subject the owner or owners of such vessels to a penalty of not less than \$50 nor more than \$500.

Sec. 8. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4596. Whenever any seaman or apprentice lawfully engaged on any merchant vessel of the United States commits any of the following offenses he shall be punished as follows:

"First. For desertion by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without

leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of delivery, and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than 3 months, at the discretion of the court.

"Sixth. For assaulting any master or other licensed officer by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months."

SEC. 9. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 10. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 11. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 12. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to give any order, note, or other evidence of indebtedness of any kind whatsoever, or for any purpose, conditioned directly or indirectly on the deduction of the amount specified from the wages of a seaman, except as hereinafter provided.

"Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

"(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

"(e) That this section shall apply as well to seamen engaged in ports of the United States for service on foreign vessels as to seamen employed on vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

"The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States or a certified copy of the same, at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this paragraph have been complied with.

"(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section."

SEC. 13. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

SEC. 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

No vessel, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the board of local inspectors that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce, who shall, through collectors of customs, local inspectors, and other officers of the Government enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

This section shall take effect on and after the following dates, respectively, in the case of vessels navigating the ocean or sounds and bay connected therewith or the Great Lakes and connecting waters, and authorized by certificate of inspection to carry the following number of passengers:

On July 1, 1913, 500 passengers or over;
On August 1, 1913, 200 passengers and less than 500;
On October 1, 1913, less than 200.

Any violation of any provision of this section shall subject the master or owner of such vessel to a fine of not less than \$100 nor more than \$500.

SEC. 15. A seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he is at least 18 years of age, possesses a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, and has served on deck at sea for at least three years. The service herein prescribed may be proved by certificates of discharge by a master before a shipping commissioner or by other proof satisfactory to officers designated by the Secretary of Commerce, who shall issue certificates to able-bodied seamen in a form to be prescribed by him, and in the case of seamen shipped abroad on vessels of the United States, such service may be proved by certificates of discharge by a master before consuls of the United States.

No vessel, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelmen or quartermasters and lookout men of not less rating than that of able seaman: *Provided*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men than those so qualified shall be employed at the wheel or as lookout. And while at sea the wheelmen or quartermasters and lookout men shall be divided into at least three watches, which shall be kept on duty successively; but this requirement shall not apply to yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours except in case of emergency. But this exemption shall in no way interfere

with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Any failure to comply with this provision shall subject the master or owner of such vessel to a fine of not less than \$100 and not more than \$500.

SEC. 16. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 17. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 18. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Congo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon so much of sections 4081 and 5280 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be and is hereby repealed.

SEC. 19. That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice, and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

SEC. 20. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"Provided, That at the direction of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

Mr. FLETCHER. Mr. President, this bill is identical with a bill which passed both Houses of Congress at the last session and went to the President just before the end of the Congress—I believe on the last day. The President stated that he did not have sufficient time to examine the measure, and therefore he did not feel, on account of its great importance, that he would be justified in giving it his approval. The bill had come from the House, was referred to the Commerce Committee, was reported by the Commerce Committee to the Senate with some amendments, and was amended in the Senate. It then went to the House, and the House accepted the bill as it came from the Senate and as amended in the Senate, and this bill, S. 136, is the bill which met with the final approval of both Houses of Congress and went to the President.

This bill, together with Senate bill No. 4 and Senate bill No. 2221, was introduced at this extra session and referred to the Committee on Commerce and by that committee referred to a subcommittee. The subcommittee reported back to the full committee in favor of S. 136. Finally the full committee reported to the Senate S. 136, with the understanding that any member of the committee would be at perfect liberty to favor any amendment that might be offered which in his judgment improved the measure, and that in the judgment of the committee a statement should be made when the bill was reported to the Senate that action ought to be deferred until the regular session. That statement was made, and subsequently the Senate, by unanimous consent, made this bill the unfinished business, and it is therefore now before the Senate.

There are objections to S. 136. Perhaps no bill could be introduced here and be referred to a committee and be considered for any length of time without developing some objections. Especially is this true with an important measure like this, because it is very important, affecting not only the rights and interests of the seamen engaged in our merchant marine, but affecting likewise the rights and interests of the shipowners, and very materially; and it is in this light that I am inclined to regard it in preference to the others, although not disregarding the rights of either of the other interests, especially the great public which does business with these ships and whose

lives and property are in the keeping of these men who "go down to the sea in ships."

There are, as I stated, features in this bill which unquestionably could be improved upon in the interest of the great public and certainly in the interest of the seamen engaged in our merchant marine.

I call attention very briefly to these, because when the bill is taken up for full consideration and discussion it will be worth while perhaps to keep these matters in mind. There are many features in Senate bill 136 that are entirely agreeable both to the seamen and to the shipowners. It is a long step in advance and in the right direction. It is a most important measure considered in the light of recent experiences on the seas and in view of our great mercantile marine interests. There are some features in the bill which do not meet with the approval of the seamen and there are some features in it which do not meet with the approval of the shipowners. Altogether, I may say, I think fairly, that Senate bill 136 is rather a compromise, and at the same time beyond any question it would be very desirable legislation. If it can be improved upon, no one upon the committee is committed to it to such an extent that he is bound not to accept any improvement or suggestion that would be of value.

For instance, on page 3 of the bill it will be insisted that after the word "yacht" at the end of line 6 the remainder of that section of the bill should be stricken out.

Mr. BURTON. Will the Senator from Florida please state again the reference?

Mr. FLETCHER. On page 3, after the word "yacht," in line 6, down to the end of the section concluding with the word "labor."

It will be contended, I will say, that that portion of the bill should be stricken out. This section prohibits the lake custom of transferring men from the deck to the fireroom when out on the lakes and regulates the hours at sea and in port, so that the sailor shall not work more than 12 hours in 24 and the fireman 8 hours in 24 at sea, 9 hours to be 1 day's work in port, and no unnecessary work is to be done on Sundays and legal holidays.

This proviso, however, contains limitations and exceptions which impair that feature of the bill. It is claimed by those who have studied the subject, and those objections will be urged. The proviso exempts vessels of less than 300 gross tons or vessels whose regular schedules between terminal ports do not exceed 24 hours. It will be insisted that the portion of the section beginning after the word "yachts," in line 6, page 3, to the end should be stricken out.

Mr. SUTHERLAND. What is that—merely the proviso?

Mr. FLETCHER. A part of it is the proviso, and the other language is:

Vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 24 hours.

Those words immediately precede the proviso. Those are exceptions. Then it is provided that section 2 shall not apply to fishing vessels, whaling vessels, or yachts. Then this language follows:

Vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 24 hours.

This language places a limitation on the other provisions of that section.

On page 5 it will be insisted that the proviso there, beginning with the word "Provided," in line 1, and ending with the word "contract," in line 4, should be stricken out, for the reason that it provides "that wages earned during the first five days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract," voyages on the Lakes not extending over that period of time. This section has reference to the right of the seaman to demand his wages or a portion of his wages before the termination of the voyage; and the proviso takes out of that the Lake business because, I repeat, such voyages do not exceed five days.

The other proviso exempts foreign vessels unless owned in major part by American citizens, corporations, or holding companies. That will be objected to and subject to very considerable criticism. The lake business is different from the business on the ocean; but at the same time the question is whether lake ships and vessels should be exempted entirely from the right of the seamen to demand wages as provided for in this section.

On page 7, line 7, after the word "of," down to and including the end of that sentence, embracing the words—

Not less than 120 cubic feet and not less than 18 square feet, measured on the floor or deck, for each seaman or apprentice lodged therein: Provided, That these space allotments may be reduced not more than 20 per cent in case a separate space is provided for mess-room purposes—

Will be criticized.

There is perhaps no real objection to that provision in the bill, but at the same time it provides for taking off 20 per cent of space for a mess room, and in promising a wash room it limits that provision to vessels having 20 or more men on deck. Those vessels are comparatively few.

The following provision to that refers to the hospital, more or less important, perhaps, and the location of the fore-castle would be really important, but that is not asked for by the seamen, as I understand. They are very much more interested in keeping living accommodations for the well than hospitals for the sick. The first will very much lessen the need for the other.

Then, on page 11 of the bill, objection will be made to the provision in line 16, where the words "or other licensed officer" are used, because that is rather broad language. It is perfectly well known that the mate is in command of the vessel when the master is either absent from the deck or from the vessel. Therefore, in reference to an assault on the officer in command, which is sought to be dealt with, it is suggested that the word "mate" should be used instead of the words "or other licensed officer."

On page 13, line 15, after the word "practicable," objection will be made to the language:

Provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port.

It will be contended—and there is considerable reason for that—that the master of the vessel ought to control the situation, so that when the assault, if an assault is made, upon a seaman by an officer of the vessel the master would guarantee that that officer would be accessible when the vessel docked, so that whatever rights the seaman had could be readily enforced. It is contended that this is a limitation on the remedy given for flogging and other forms of corporal punishment. It provides that the master must have "actual knowledge of the misdemeanor, or complaint thereof be made within three days after reaching port." It is a qualification likely to result in the vessel and the offender escaping all liability. Criticism will be made of that provision, and it is worth considering as we proceed with the bill.

On page 15, line 15, it is claimed that this exception will cause great injustice to seamen who, if arrested under this proposed law, may and will be held in prison for months before being tried; at least, it will be contended that is the danger; it will also be contended that it will be the cause of useless expense to the Government, because the witnesses must be kept and paid, and so forth, and that local laws will deal with that situation in a way that will make unnecessary that provision in the bill.

The principal criticism of the pending bill, I believe, will be made to section 14, which, with section 15, corresponds to section 12 in Senate bill 4, which passed the House about a year ago and in practically the same terms and in its present form was introduced here and referred to the committee which had all these three bills under consideration. The provision at page 18 of the present bill, in line 13, beginning after the word "vessel," employs this language:

Unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

It is also provided that there shall be three watches for the helmsmen and lookout men. This provision puts a hardship on small vessels. It prevents the training of boys, because most of the vessels carry no more than six men, and by applying this provision to foreign vessels it is claimed that it will interfere with those vessels when beyond the jurisdiction of our laws.

This section particularly, with section 15, is intended to "afford a standard of efficiency." Whether or not this language test, as it is sometimes called, goes too far in Senate bill 4, and whether or not it is too much modified and qualified and really made ineffective by this provision are matters for very serious consideration.

We have a standard of efficiency in a great many industries. For instance, under State laws a standard of efficiency as to miners; a standard of efficiency as to those who operate automobiles, and in some States even as to barbers, and why should there not be a standard of efficiency for the men who are engaged in this great business conducted on the high seas?

The point will be raised that it is just as essential for safety at sea to have capable and competent men who are in a position to receive and to understand the orders of their officers as it is important to have lifeboats or equipment so as to take care of the passengers and crew in case of accident or disaster.

This is a very important section of the bill, and will be, of course, given most careful consideration. There will be, I take it, no question raised as to sections 17, 18, 19, and 20 of the bill. So far as I am advised, those sections are really an improvement on like provisions in either of the other bills that were before the committee, and I think they put in better form the denunciation of treaties and the repeal of existing laws than any of the other bills.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I do.

Mr. SUTHERLAND. I did not quite understand the Senator's statement about section 14. What changes in section 14 are proposed to be made by the substitute?

Mr. FLETCHER. Of course, the substitute as offered by the Senator from Wisconsin [Mr. LA FOLLETTE] this morning has not been printed, but I take it will conform very largely to Senate bill No. 4, inasmuch as that bill was introduced by him. Senate bill No. 4 provides that 75 per cent of the crew in each department of the vessel must understand the orders given by the officers; that a percentage, beginning at 40 per cent and ending at 65 per cent, of the deck crew, exclusive of officers, shall be men having three years' experience; and that there must be two such men for each lifeboat in vessels carrying passengers.

Mr. SUTHERLAND. I was interested, Mr. President, to understand what change is made with reference to the provision that 75 per cent of the crew shall be able to understand an order.

Mr. FLETCHER. I have just stated what the provision of Senate bill No. 4 is in that connection and, perhaps, the provision in the substitute which will be offered. The bill we have before us, Senate bill No. 136, provides for the crew understanding the orders, but makes an exception if there are men who can act as interpreters and communicate the orders given by the officers.

Mr. SUTHERLAND. That is, the proposed substitute omits that exception. Is that correct?

Mr. FLETCHER. It does. Senate bill 136 provides that—

Not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated.

Mr. SUTHERLAND. The provision beginning with the words "unless the crew shall include," and so on, is omitted from the substitute?

Mr. FLETCHER. I take it the substitute will contain a somewhat different provision from that, because Senate bill No. 4 is different from that. Senate bill No. 4 provides that 75 per cent of the crew in each department of the vessel must understand the orders given by the officers, and that a percentage, beginning at 40 per cent and ending at 65 per cent, of the deck crew, exclusive of officers, shall be men having three years' experience. It is different from the proposition here.

Mr. SUTHERLAND. Mr. President, it seemed to me as the section was read that the provision which the Senator has read, beginning with the words "unless the crew shall include a sufficient number of seamen," and so on, furnishes rather an indefinite test which, it occurs to me, would be almost incapable of practical enforcement. The provision reads:

Unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen.

Certainly, that is not a very definite test. It is a matter about which people would differ very much. One man might think that 10 seamen were enough, another might think that not less than 20 seamen would be sufficient, and so on.

Mr. FLETCHER. I will admit that is an objection to this language. The object here, I take it, is to relieve the necessity of the seamen being able to understand the language of the officer and permit a sufficient number of interpreters being engaged who will transmit the orders of the officers to the seamen. That is the purpose of that provision.

Mr. SUTHERLAND. It is couched in such very general and indefinite terms—

Mr. BURTON. I should really like to hear this conversation. I am unable to hear, especially the questions and suggestions made by the able Senator from Utah.

Mr. SUTHERLAND. The suggestion I was making to the Senator from Florida was that the language, beginning on page 18, line 13, which seems to be a limitation upon the provision of the section with reference to employing 75 per cent of the crew who can understand the language of an order, furnishes a test

that is practically incapable of enforcement. It is a matter about which people would differ. I understand that this is a penal law, the violation of which would subject a man to punishment.

Suppose a man were arrested charged with violating that provision and his defense were that the crew did include a sufficient number of seamen through whom the orders of the officers might be communicated. The provision is so indefinite, it seems to me, that it would be quite incapable of practical enforcement.

When you say that 75 per cent or any other per cent—50 per cent or 60 per cent—of the men must understand the language of an order, that is definite; that can be enforced; that is understood by all men exactly alike. But when you put a limitation upon it to the effect that that is not necessary where a sufficient number of seamen understand the language of those through whom the orders of the officers may be communicated different people would differ as to what would constitute a sufficient number. There is absolutely no test laid down. Are 10 sufficient out of a crew of 500, or would it require 50 out of a crew of 500?

Mr. FLETCHER. I am not in a position to differ with the criticism of the Senator from Utah as to that language.

Mr. THOMAS. I should like to suggest that that seems to be cleared up somewhat by the last sentence of the section:

The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry.

Mr. FLETCHER. Yes; that is correct.

Mr. THOMAS. That puts a minimum limitation upon it.

Mr. SUTHERLAND. That puts a minimum limitation upon it, but it does not do away with the first requirement as to a "sufficient number." If it had said that the number should be equivalent to the number of lifeboats, then we would have had some test; but to say that it shall not be less does not mean that it shall not be more in order to constitute a "sufficient number."

Mr. THOMAS. I think that suggestion is an appropriate one.

Mr. FLETCHER. The present bill also provides a standard of efficiency, but it makes the number the same for all vessels above 300 gross tons. It provides for two skilled men to each lifeboat, but permits them to be taken from any part of the vessel, thus leaving only two; while the substitute, as I understand—Senate bill 4 does, anyhow—takes them from the deck department, and then utilizes such boatmen as may be found in any other department.

A lifeboat crew is from five to nine, and two is the very least number of really skilled men needed. The others ought to have such skill as can be obtained by drills on board passenger vessels.

That is the important section relating to the question of efficiency, and, of course, is one of the most important in the bill.

Mr. President, I did not intend to enter upon any discussion of the bill; but I thought at this time it was well to point out what I understand to be some of the vulnerable points in the bill, some of the points which have subjected it to criticism, and which I believe to be points of attack against the bill, and call attention to them. The other features of the bill, I believe, are largely approved by experts and all parties concerned. As I said a moment ago, the sections beginning with 17 and going to the conclusion are very much better than the like sections in any of the other bills that were before the committee.

I ask permission to insert here a copy of a memorial or argument submitted by the International Seamen's Union of America, addressed to the President, a copy of which has been sent to me. It discusses some of the legal questions involved and presents the matter from that standpoint.

The PRESIDING OFFICER. If there be no objection, that order will be made.

The matter referred to is as follows:

To the President:

The undersigned, the International Seamen's Union of America, respectfully brings to your attention the following conditions of fact and law and respectfully bases on such conditions the petition wherewith this paper concludes:

1. STATEMENT OF FACTS.

"Chinese persons" and "persons of Chinese descent," not being "officials, teachers, students, merchants, or travelers for curiosity or pleasure," and not being "Chinese laborers in transit across the territory of the United States in the course of their journey to or from other countries," and not being Chinese laborers once lawfully within territory of the United States and having return privileges, are habitually engaged in seaports of Asia for service as seamen aboard ships of American register, and habitually serve as seamen on board such ships in their voyaging between the Orient and ports of the United States.

Consular officers of the United States, in dealing with vessels and crews of vessels, make no distinction between Chinese persons who are seamen and other persons who are seamen.

Officers of the Department of Commerce and Labor charged with the duty of executing the Chinese-exclusion laws of this country treat such Chinese seamen as lawfully on board such ships.

II. STATEMENT OF LAW.

(a) The statutory law does not include seamen among the classes of Chinese persons expressly permitted to enter or to reside within the jurisdiction of the United States.

Section 2 of the Chinese-exclusion act of September 13, 1888, provides "that Chinese officials, teachers, students, merchants, or travelers for curiosity or pleasure shall be permitted to enter the United States," etc., in terms following the language of treaty.

It is needless for the purpose of this petition to cite the statutory provisions affecting Chinese persons in transit or the provisions affecting Chinese having "return" privilege.

Noninclusion of seamen among the classes mentioned in the quoted section of the act of 1888 is not altered by any express provision of that or any other statute or by any treaty.

(b) Judicial construction of the statutory law has not enlarged, by doctrines of implication, by considerations as to treaties, or otherwise, the number or extended the literal limits of the classes of Chinese persons permitted by such statutory law to enter or to reside within the jurisdiction of the United States.

In the case of *Ah Fawn* (57 Fed. Rep., p. 591) the intent of China and the United States in that treaty definition of "exempted classes," which has been incorporated into section 2 of the act of 1888, was directly considered, with this result: That the court concluded the mention of classes who might come was designated to exclude from free immigration privileges all Chinese persons not officials, teachers, students, merchants, or travelers for curiosity or pleasure.

So in the case of *Lee Ah Yin v. The United States* (116 Fed. Rep., p. 614) the circuit court of appeals, ninth circuit, cites approvingly the decision in the case of *Ah Fawn* and holds that by excluding "laborers" from free immigration privilege China and the United States in treaties, and the United States in statutes, intended to exclude "all immigration to the United States from China other than that of the privileged classes who were by the terms of the treaty permitted to come for purposes of teaching, trade, travel, study, and curiosity."

(c) The executive departments of the Federal Government accept and act upon the strict construction principle laid down in the cited decisions except as to seamen.

"The true theory of the Federal law," said the Attorney General in an opinion rendered July 15, 1898, "is not that all Chinese persons may enter this country who are not forbidden, but that only those may enter who are expressly allowed."

Rules of the Department of Commerce and Labor are to the same effect, save that they expressly except seamen from the Chinese "laborers" forbidden to reside within American territory. (See rules 1, 15, and 16, relating to the exclusion of Chinese.)

(d) A vessel of the United States is territory of the United States.

"An American vessel," said Justice Field in the case of *Ah Sing* (13 Fed. Rep., p. 286), "is deemed to be a part of the territory of the State within which its home port is situated, and as such a part of the territory of the United States."

This is the doctrine of the Supreme Court of the United States in *Crapo v. Kelly* (83 U. S., p. 430) and in *Wilson v. McNamee* (102 U. S., p. 234). From the opinion of Justice Hunt, in the earlier case, this interesting statement is quoted:

"In the celebrated *Trent* case, occurring in 1862, Messrs. Mason and Sildell were removed from a British private vessel by Commodore Wilkes, of the *San Jacinto*, a public vessel of the United States. Great Britain insisted that the rights of a neutral vessel not only had been violated, for which she demanded apology, but she insisted that these persons should be replaced and returned on board a British ship. This was done, and they were actually placed on board a British vessel in or near the harbor of Boston. They were not British subjects, and their return could only have been demanded for the reason that they had been torn from British soil, and the sanctity of British soil as represented by a British ship had been violated. Citizenship or residence had no influence upon the question."

(e) When a Chinese person is on board a vessel of the United States, he is in territory of the United States.

A Chinese laborer lawfully within the United States shipped in San Francisco as a seaman on board a vessel of the United States. After a voyage to New South Wales he was denied the right to land in San Francisco, the claim being made that having gone with his ship to a foreign port he had brought himself within the prohibitions attaching under our exclusion laws to Chinese persons who had left the territory of this country. This denial of right was held unlawful in the case of *Ah Sing* (13 Fed. Rep., p. 286), the Federal circuit court ruling that the seaman, having remained with his ship, had not left American territory.

The same doctrine was applied in the subsequent case of *Ah Tie* and others (13 Fed. Rep., p. 292).

(f) A vessel of the United States being territory of the United States, and a Chinese person on board a vessel of the United States being in territory of the United States, a Chinese person having no right to be in territory of the United States has no right to serve as a seaman on board a vessel of the United States.

So far as your petitioner is informed, the doctrine thus stated has never been directly presented by American seamen to any executive department of the Federal Government, although efforts have been made to obtain Executive action in prevention of the employment of Chinese persons as seamen on board American ships—Chinese persons, that is, not entitled to enter American territory. The only delay an inquirer into the law is likely to encounter in reaching acceptance of this doctrine will be due, your petitioner believes, to possible misconception of the scope and value of three judicial decisions, namely: In *re Moncan* (14 Fed. Rep., p. 44), in *re Ah Kee* (22 Fed. Rep., p. 519), and in *re Jam* (101 Fed. Rep., p. 989). However, the American ship is American territory principle was not invoked and was not considered in any of these cases, and the controlling principle of each of them—all may come who are not expressly forbidden—has been repudiated by the later and higher authority of *Lee Ah Yin v. The United States* (116 Fed. Rep., p. 614), affirming the principle of *United States v. Ah Fawn* (57 Fed. Rep., p. 591)—none may come who are not expressly allowed.

III. PRAYER.

In consideration of the facts and the law as heretofore stated, the undersigned prays application of the law to the facts to the end that American seamen may be spared further injury by nonexecution of statutes to the protection whereof they believe themselves entitled in individual right and for national welfare.

It is urged upon your attention, moreover, that a construction of Chinese exclusion statutes placing Chinese seamen outside such statutes must lead to the conclusion that Chinese persons who are by their calling as seamen saved from the prohibitions of the exclusion policy, fall under the maritime law only, a conclusion involving—unless judge-made law be used—recognition of the right to quit work in our seaports and the right of unobstructed locomotion within American territory in the usual manner of seamen shifting from port to port and from overseas trade to coastwise, lake, or river trade.

Your petitioner can not believe, now that it brings to your notice the conditions as it sees them, that you will suffer any straining of the Chinese exclusion laws as against the rights of American seamen and the national interest as represented by them or by any unauthorized abridgment of the navigation laws.

Wherefore this prayer: That you direct the consular, immigration, and other executive officers of the United States to cooperate in enforcing the Chinese exclusion laws in the matter of seamen.

(Signed) By WM. H. FRAZIER, *Secretary-Treasurer*.
(Signed) EDWARD J. LIVERNASH, *Counsel*.

WASHINGTON, D. C., April 30, 1904.

Mr. FLETCHER. I also ask permission to insert as part of my remarks a copy of resolutions passed by the Brotherhood of Locomotive Firemen and Enginemen.

The PRESIDING OFFICER. In the absence of objection, the order will be made.

The matter referred to is as follows:

[From the Washington Herald of June 10, 1913.]

SEAMEN'S LAWS ARE CONDEMNED—LOCOMOTIVE BROTHERHOOD PASSES RESOLUTIONS AIMED AT MARITIME CONDITIONS.

Resolutions condemning the present inefficient seamen's laws were passed by the convention yesterday. The resolutions deplore the absence of Americans on the high seas, and declare that this fact alone is conclusive evidence that conditions are so far below the usual standards as to cause our men and boys to shun the calling. The resolutions passed yesterday are as follows:

"Whereas the absence of native Americans in our merchant marine is conclusive evidence that the living conditions of our seamen are so far below the usual standards as to cause our men and boys to shun the calling; and

"Whereas the increase in wrecks of vessels and the increase in the loss of lives prove that the standard of skill of the men employed is continually deteriorating and the danger of life at sea increasing; and

"Whereas the official investigation of wrecks all point to and demand some real and effective remedy; and

"Whereas congressional committees have had hearings during the sessions of Congress for the past 12 years, and there finally has passed the House a measure which has since had the unqualified approval of the Department of Commerce and the Department of Labor: Therefore be it

"Resolved by this twenty-sixth convention of the Brotherhood of Locomotive Firemen and Enginemen, That we indorse Senate bill No. 4 and urge its adoption as recommended by the departments above referred to; and be it further

"Resolved, That copies of this resolution be sent to the Senate Committee on Commerce, the House Committee on the Merchant Marine and Fisheries, the President of the United States, and to Senator LA FOLLETTE, the author of the bill in the Senate."

Mr. FLETCHER. I also ask permission to insert as a part of what I have said, and as bearing on the provisions of the bill, a communication from Mr. Andrew Furuseth of June 16, 1913, and from the other angle a letter from the Detroit & Cleveland Navigation Co., together with a further communication from the Independent Vessel Owners of the Great Lakes. I ask to have these communications inserted as part of my remarks.

The PRESIDING OFFICER. There being no objection, the order will be made.

The matter referred to is as follows:

WASHINGTON, D. C., June 16, 1913.

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

DEAR SIR: Having been given the opportunity to examine the brief and papers accompanying the same sent to the Committee on Commerce by a committee of shipowners, representing the Lake Carriers' Association, I deem it my duty to the seamen, to the members of the committee, and to the country to deal briefly with the matters contained in the brief.

The seamen's bill, so-called—the legislation upon this subject—has in the main three purposes:

First. To promote safety at sea.

Second. To give freedom to the seamen, to provide better conditions for the seamen, and by so doing inducing a better class of men to seek the sea.

(There can be no safety at sea except through the right kind men properly trained in their work.)

Third. To abolish the differential in favor of foreign vessels in the wage cost of operation when competing with domestic vessels in taking passengers and cargo from American ports.

The present condition automatically keeps the right kind of boys from seeking the sea, and drives the right kind of men from the occupation. Shipowners themselves acknowledge this by insisting in communications, which no doubt have come to you, as they have to other Senators, that they can not find officers or men fit to become officers in sufficient number to obey the provisions of the act providing for officering of vessels passed at the last Congress.

Senate bill 4, introduced by Senator LA FOLLETTE, substantially as it passed the House in the last Congress, will accomplish the purpose gradually and without any undue hardship upon the shipping interests. By making its provisions dealing with freedom, safety, and the shipping of men applicable to foreign vessels coming to our ports it would tend to automatically equalize the cost of operation and to abolish the present unfair competition with domestic vessels.

Sections 6, 14, and 15 will provide the freedom.

Section 3 provides the means through which it may be exercised.

Section 12 provides for the necessary training, the standard of efficiency, the knowledge of the language of the officers; that is, it deals with safety and makes the provisions applicable to foreign vessels visiting our ports.

Senate bill 136, which is dealt with in the memorial from the lake shipowners, deals with freedom in sections 8, 17, 18, 19, and 20, but the means through which it may be exercised is denied by the proviso of five days, which exempts the lake vessels, and the proviso which deals with vessels owned in major part by American citizens or corporations and excludes from the operation of the bill vessels that are purely foreign. It deals with safety in sections 14 and 15, but in such a way as to permit vessels to continue to carry the kind of men now carried.

The present crews are condemned by experience, by commissions, and by the courts, and the exceptions, beginning on line 13, page 18, by the word "unless" and ending on the same page, on line 22, by the word "lifeboat," give statutory sanction to crews held inefficient by the courts.

Section 15, which the brief from the Lakes seek to have amended, provides that none but able seamen shall be at the wheel or lookout, that they shall stand in three watches, and this shall be applicable to foreign as well as to domestic vessels. To regulate the number and skill of men which foreign vessels must have before they can be cleared from the ports of the United States is simply following the precedent set by England. To regulate their employment while at sea and beyond the jurisdiction of the United States would seem to be a question of propriety, if not of power. This phase of section 15 is, however, not dealt with in the brief from the Lakes. They simply seek to have the lake vessels exempted. They submit the amendment in three forms. In the first form all vessels not carrying passengers are exempted from the three-watch system. In the second form it provides for the three continuous hours at the wheel. (The British commission found that more than two hours would be too long.) The third proposed form accomplishes the same purpose in a different way, but in either case it would exempt the larger number of vessels on the Great Lakes, and with the exemption made to the regulations of the hours of labor, found in section 2, it would leave the lake situation as it now is, with this exception, that they would be compelled to carry four skilled men regardless of the vessel's tonnage if she be more than 300 tons gross. There would be no improvement in the personnel, the better class of men for sea, recommended by the committee on the *Titanic* and adopted by the Senate, would not be accomplished. The development of seamen from whom officers could be made would not take place.

In conclusion I beg to state that Senate bill 4 is the House bill; it is not the seamen's bill. It is the House committee's compromise between the contention of the seamen and the contention of the shipowners, and the House committee cut from the seamen's bill all that was possible to cut and yet accomplish the purpose intended, leaving several years of development to reach a condition of efficiency necessary to safety.

The House bill provides a percentage of able seamen in all vessels above 100 tons; it thus leaves opportunity for training of seamen, while it falls with equal weight upon all vessels regardless of their size.

Senate bill 136 provides a specific number of able seamen for any vessels above 300 tons; thus while it discriminates against the smaller vessels in favor of the larger ones it does not give that opportunity for training which is provided in Senate bill 4.

The proposed lake amendment of section 15 of Senate bill 136 would sacrifice safety to profit, because it takes two vessels to go into or to avoid a collision. The skill needed in both vessels is equal.

Senate bill 4 provides for at least two watches on deck, leaving three watches, when needed, to be reached later, either by mutual agreement or through legislation.

Respectfully, yours,
ANDREW FURUSETH,
President International Seamen's Union of America.

DETROIT, June 11, 1913.

Hon. DUNCAN U. FLETCHER,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: This company desires to make a protest against the three-watch plan now advocated by the union. You probably know that our steamers leave Detroit daily at 10.45 p. m., arrive Cleveland 6 a. m. the next morning. Our steamers for Buffalo leave Detroit at 5 p. m. daily, arrive at Buffalo next morning in time for connection for all eastbound trains, and the crew operating seven hours have all day to sleep.

We also have a boat operating during the daytime between Cleveland and Put-in-Bay, Ohio, also between Toledo and Put-in-Bay, running time is about four hours each way, laying up at night.

We also have a daylight boat, every other day, between Detroit and Cleveland, running time seven hours, lay-over all night.

We could not possibly put on a three-hour watch on these lines and pay a dividend to our stockholders.

I think the three-hour watch at sea, where they have a continuous run, is perfectly proper, but for the Great Lakes they should be excepted in this bill, and we hope you will do everything you can in our behalf.

Respectfully,
DETROIT & CLEVELAND NAVIGATION CO.,
M. SCHANZ, *Vice President and General Manager.*

WASHINGTON, D. C., June 11, 1913.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

SIR: Supplementing the several statements submitted to-day for your respectful consideration, giving the comparative time in port and at sea of nine different representative fleets engaged in commerce on the Great Lakes, we attach hereto a summarized statement showing a general average of 42.68 per cent in port of total time of commission.

These figures verify the statement made last winter before the subcommittee on the Wilson bill that the boats on the Great Lakes were in port over 40 per cent of the time. Some of the official logs from which the record was compiled were left with Senator BURTON and are open to examination as a basis for verifying the statement.

The fleets selected, we firmly believe, truly represent the general average of time in port of bulk freights on the Lakes, as the statement includes fleets which have every facility for operating their boats with the least possible time in port. There are many independent boats entirely dependent on the open market for cargoes, not included in the list, having no affiliations whatever with shipping interests, and obliged to take freights as offered, regardless of conditions at loading and un-

loading ports. Such boats would show an average of about 50 per cent in port.

We sincerely hope that the additional statistics supplied will prove conclusively that there is no occasion for legislation requiring three shifts of wheelmen and lookouts, who are really engaged in their regular duties slightly more than one-half of the time and the remainder of the time in port when the work is merely nominal.

Of all the men employed on the ships of the Great Lakes the men under discussion have the least arduous employment and are satisfied with the conditions now existing.

All the foregoing matter has reference to section 15, page 21, Nelson bill. Respectfully, yours,

INDEPENDENT VESSEL OWNERS OF THE GREAT LAKES,
By CHARLES O. JENKINS.
A. E. R. SCHNEIDER.
WM. H. HILL.
J. M. JOHNSTON.
WM. F. RILEY.

Summary of all statements of vessels in port and outside, season 1912.

	Total hours.			
	In port.	Per cent.	Out-side.	Total.
Pioneer Steamship Co. (Hutchinson).....	17,352	44.8	22,008	39,360
Wilson Transit Co.....	19,230	49	20,010	39,240
Shenango Steamship Co.....	10,338	42	14,584	24,922
W. H. Becker (Interstate Steamship Co.).....	8,681	41.5	12,297	20,978
Mitchell-Cleveland Steamship Co.....	23,958	37.3	40,249	64,207
Steinbrenner (Kinsman Transportation Co.).....	13,523	43.6	17,490	31,013
Jenkins Steamship Co.....	8,926	41.1	12,776	21,702
Cleveland Cliff Fleet.....	28,608	45.9	33,672	62,280
Gilchrist Transportation Co.....	61,813	42	85,331	147,144
Total.....	192,429		258,417	450,846
Average.....per cent.....	42.68		57.32	100

STATEMENT SHOWING NUMBER OF HOURS WHEELSMEN AND LOOKOUTS ARE EMPLOYED ON DUTY WHILE THE VESSEL IS IN PORT WAITING FOR HER DOCK TO DISCHARGE CARGO.

The wheelmen working 6 hours per day, or 6 hours out of 24, say the vessel comes into port at 8 o'clock in the morning, the wheelman who is on watch when the vessel comes into port goes below at 12.30 p. m. and sleeps until 6 p. m.

The wheelman below in the forenoon comes on watch at 12.30 p. m. and remains on duty until 6 p. m., and then both wheelmen go below until 6 o'clock the following morning, then only one wheelman goes on duty—the one who has the first watch—and the wheelman on the after watch goes back to bed or uptown just as he pleases. This is when the vessel is not loading or unloading cargo.

The watchmen working watch and watch 6 hours on deck and 6 hours below. But each of the watchmen work 6 hours, as we only have 12 hours' daylight, so it can be readily seen that each man only works 6 hours each day. The watchman during the night goes about the ship seeing that everything is safe on board, looking after lights and seeing that the vessel's moorings are secured and that no strangers come aboard.

When the vessel is discharging or taking on cargo the wheelmen and watchmen are then standing watch and watch, 6 hours on duty and 6 hours below. Their duty being then to look after the mooring cables of the vessel, to see that they are kept tight and the vessel is kept close to the dock. The wheelman looking after the forward cables and mooring engine and the watchman the after cables and mooring engine.

The labor performed by these men is not hard or laborious work, and they have their regular watch and watch at all times. And we may also state that the deck hands also work watch and watch, 6 hours on deck and 6 hours below. Three deck hands are on deck on each watch. This work is carried out during the entire season on all boats.

Mr. FLETCHER. If the Senator from Wisconsin is willing, it seems to me it would be advisable to have printed the proposed substitute which he offered this morning, and the comparison of the two which I believe he also offered and asked to have printed. I think, then, it would be advisable to lay the bill over until that printed matter is on our desks and until the Senate meets again.

Mr. BURTON. Mr. President, I have no objection to that, nor to the adjournment until Saturday. I should like to be heard now, however, very briefly.

I consider very inopportune the probable disposition of the bill at this time. In the first place, there is a small attendance of the Senate here, as is illustrated right now. We were called together to consider certain other subjects and are fagged out by our labors. The bill is an exceedingly important one, and should receive the most careful attention of the committee, in the first place, and of the Senate when there is a full attendance here.

I will yield to no one in realization of the importance of the propositions involved. It has been most unsatisfactory to members of the committee because the seamen, on the one side, and the vessel owners, on the other side, have been so far apart, taking widely divergent views of these questions, and it is impossible for any committee to satisfy either of them.

Again, in our discussions last winter too much attention was paid to the relation between the employer and the employee and their respective interests and not enough to the general question of safety. Indeed, that fact has run through all these bills and all these discussions. The seamen come in on the one

side, and the vessel owners on the other, and state their respective views, while in the meantime precautions for the safety of life are likely to be neglected. That is to say, safety appliances, hours of labor, and number of men are considered not from a broad general standpoint, but from the standpoint of either employer or employee. So I have no confidence that at this season, when the Senate has disposed of one very important bill and is marking time for taking up another, this bill will receive the consideration it deserves.

There is another reason, however, which affects my judgment more nearly than that. In June, 1912, the Congress passed a resolution inviting all maritime nations to join in a conference on the subject of safety at sea. In that movement we took the initiative. The resolution was introduced almost immediately after the *Titanic* disaster and when we were in the shadow of that frightful calamity. There was a great deal of delay and inertia, such as characterize diplomatic proceedings, but by mid-summer of this year the invitation was generally accepted. A conference has been called at London for the 12th of next month. In pursuance of our invitation propositions have been already formulated for consideration at that time. The President had chosen some 11 or 12 delegates to attend the conference; and on the very day when, as I understand, in the presence of only eight Senators, there was a unanimous-consent agreement that this bill should be taken up, the members of that delegation met.

We are thus assuming the position that after we have invited the conference, after other nations have accepted our invitation, after the time has been fixed, and after the propositions have been formulated and delegates chosen, we are seeking to prejudice the very questions which are to be considered at the conference on the 12th of next month. We say: "We asked you to meet in conference; we initiated the proceeding, but now we will go ahead and legislate on matters which pertain not merely to domestic shipping but to foreign shipping as well before the conference is held which we invited."

It seems to me we are placing ourselves in a most inconsistent position in taking that attitude. This bill was reported by the Committee on Commerce with the express statement that action ought not to be taken until the regular session, when the results of the conference should be before us. Again, many of these questions are international. We can not settle them satisfactorily by this bill. We can impose regulations on ships that sail out from our ports, and we should impose them where they make for safety of life. Every time there is a disaster some one who has an interest to serve says it was because the legislation he advocated was not adopted. Those subjects, however, require very careful consideration and expert examination, so that they may be determined, not according to the agitation of the moment, but according to scientific principles and after careful review of the facts.

Mr. President, I think the great maritime danger of the future is from fire. We can provide lifeboats; we can provide men to handle them; we ought to provide, and it ought to be made a part of this legislation, that there should be regular lifeboat drills. For some reason which I can not understand, seamen and owners alike have opposed inserting in the bill a provision that there shall be regular lifeboat drills. The bill ought not to go to the President without compulsory drills. I have seen them on ocean steamers sometimes when I was very much impressed with their inefficiency. I should hardly have wished to trust my life, or the life of anyone, in the hands of those who were lowering those boats and pulling them up again with so little practice as they displayed. But certainly you will not find in bill No. 4, as I recall, and I think not in bill No. 136, any provision for practice in handling lifeboats, which constitutes the very first essential for safety at sea.

As regards fire, that is a question that must be settled largely by international agreement. I should be very slow to give my opinion as to the cause of the late *Volturno* disaster, but I should not be surprised if it should develop that if our laws had been enforced in loading the cargo of that ship no such disaster would have occurred. We are in advance of other maritime nations in section 4472 and the following sections of the Revised Statutes, I believe it is, in specifying the kind of cargo that may be carried on a passenger steamer. Penalties are imposed on shippers and carriers alike if they send or carry certain combustible articles at sea.

Mr. POINDEXTER. Mr. President—

Mr. BURTON. If the Senator will pardon me, I will yield to him in just a moment.

The foreign regulations are by no means so strict. Our regulations apply not only to our domestic shipping, but to foreign steamships carrying cargoes out of this country; but they do not, of course, apply to shipments made, say, from Holland or England or any other foreign country or port to this country.

When this conference meets, one of the main things it ought to take up is the carrying of combustible or inflammable material in cargoes. That is a matter which can and should be reached by a general agreement or convention.

Now I shall be glad to yield to the Senator from Washington.

Mr. POINDEXTER. The Senator from Ohio was speaking of the origin of the fire on the *Volturro*. He has evidently given some thought to the matter. A dispatch was published in some of the papers a short time ago, purporting to be from an officer of the company which owned that ship, to the effect that he had received a letter threatening the destruction of the vessel by burning. Has the Senator paid any attention to that matter? Has he any information on the subject?

Mr. BURTON. I have.

Mr. POINDEXTER. I should like to hear it.

Mr. BURTON. There was a statement last night from Capt. Tinsley, the manager of the line, to the effect that the report was a canard; that he had received no such note. That illustrates the thick-coming rumors that always prevail after a great disaster of this kind. The dispatch contradicting this rumor may have lacked authenticity, but I saw such a statement saying that he had contradicted it.

One other thing—and I think I can say this with honest pride in the superiority of our regulations. We are in advance of other nations in many provisions for life-saving apparatus. Our boats are compelled to be provided with a line-carrying gun which will shoot a rope on another boat some little distance away. Here, again, I do not wish to express any opinion; it is too early; but there are some indications that such an appliance would have been very useful when one of the boats of the rescuing fleet came very near the stern of the *Volturro*.

Mr. President, I do not want to see this bill taken up and considered when the arguments pro and con proceed so largely from these conflicting interests to which I have referred. We take a broader view of the matter. We must examine the subject more elaborately, and I do not think we ought to enact legislation this coming week, when some of the best experts of the world will come together next month to consider these questions.

There is one thing in this bill, and it is in all pending bills, that I think every Member of the Senate would insist upon, the abolition of arrest for desertion, whether the seamen be domestic or foreign. It is altogether contrary to the spirit of our institutions to restrain a man's liberty by arresting him and placing him again on a boat or elsewhere in the performance of a task which he has chosen to leave. But all these things ought to be done with a due regard for diplomatic courtesy, with proper respect for existing treaties, and in such a way as to cause no irritation or jolt in our relations with foreign powers.

I do not anticipate that the American delegates would altogether agree with the foreign delegates on some questions. It would be my conjecture that they would go considerably further in their requirements for safety in the manning of boats; but let us at least give them a chance to state their side of the case in a conference that we ourselves have called.

Mr. President, I have already—

Mr. STONE. Before the Senator sits down I wish to ask him a question. The Senator made a rather striking statement that caught my attention. He was speaking of the necessity of drills in the handling of lifeboats, and remarked that, strange to say—and I agree in that thought of his, for to me it is a strange thing—the owners of ships, as well as the seamen in charge of them, are opposed to drills of that kind. Now, why is that? It would seem to me that the contrary should be the rule.

Mr. BURTON. I could not say that all of them oppose drills, but objections were presented to us. One reason, no doubt, is the time lost. For instance, if a trans-Atlantic liner lowers a boat in midocean it would cause a delay, estimated by one of our officers—I think he makes the estimate too large—of from two to five hours, due to the slackening of speed, the stopping, and the actual time employed in boat drill. Sometimes, also, the drill is rather dangerous.

That is one source of objection from the owners or managers. Then another is made by the seamen. The question is very much discussed whether a drill in port is useful or not. The relation between the master and the seaman is in a measure suspended then; many of the sailors go ashore. This bill, I think, very properly limits the hours in which seamen may be employed. Both bills agree on that. The seamen do not like to engage in drills when they are in port.

Mr. THOMAS. Mr. President—

Mr. BURTON. I should perhaps modify my statement by saying that not all object to these drills.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I should like to inquire of the Senator if he thinks the first reason given is a good one.

Mr. BURTON. No.

Mr. THOMAS. I quite agree with the Senator.

Mr. BURTON. The lowering of boats ought to be tried, too, when they are out in somewhat squally weather, for a disaster is more likely to occur then than when they are in a calm.

Mr. LA FOLLETTE. Mr. President, I do not care at this time to make answer to the criticism involved in the statement of the Senator from Ohio [Mr. BURTON] as to the making of this bill a special order by unanimous consent; but when the bill comes up for debate I shall revert to that matter, and at the same time I shall take occasion to say something on the advisability of our proceeding with this legislation at this time without regard to the proposed international convention.

I trust, Mr. President, that when we come to the consideration of this bill at the next meeting of the Senate it will be with a somewhat better attendance than we have now. I believe the Senate will take as great interest in this as in any other subject of legislation considered at this session. When we have the bill, with the proposed substitute, on Senators' desks, so that the different provisions can be compared, I believe I will then be able to make full answer to the criticism which has been made here of Senate bill No. 4, a bill which I had the honor to introduce.

While on my feet I desire to say for the Record that in the Sixty-second Congress the House of Representatives passed a bill dealing with this subject. It was a bill that had been introduced and reintroduced in both Houses of Congress for several years. It was the result of years of careful investigation of the subject. In that study the Congress had the benefit of expert knowledge of the highest type.

I think, Mr. President, if that measure can have fair consideration by the Senate it will be accepted as a comprehensive and a very wise piece of legislation. That bill passed the House of Representatives with only 4 dissenting votes. It came over to the Senate. It came early in the session. It was referred to the Committee on Commerce, and there encountered just what this legislation has met for 20 years—the opposition of the great steamship companies. That opposition was strong enough to delay, and delay, and delay the consideration of the bill in that committee all through that session. As the close of that session drew on I, from this place, appealed to the chairman of that committee again and again to know if we could not have a report upon the bill during that session. But it went over. It went over with the promise of the chairman that he would call the committee together during the recess in order that they might be ready to report the bill back at the beginning of the next, the short, session that closed the last Congress.

But, Mr. President, when that bill did get back into the Senate and could be brought before this body it was, as I recall, within 12 hours of the life of that Congress. If I remember rightly, it was taken up on Sunday afternoon while we were in a session that had continued from Saturday. The bill reported was not the bill that had passed the House. The committee reported a bill which has been reintroduced in this session by the Senator from Ohio.

Mr. BURTON. No; not by the Senator from Ohio; by the Senator from Minnesota [Mr. NELSON].

Mr. LA FOLLETTE. By the Senator from Minnesota. The Senator from Ohio has introduced another bill, which, so far as the public interest and the urgent necessities of this situation are concerned, is, I believe, more unsatisfactory than the bill reported out by the committee. But they reported out a bill, and we had to take up its consideration in the closing hours of that session, and, of course, it could get no consideration worthy of the great subject. It was the House bill, with the best provisions cut out of it. And that is what this bill is which has come back here again from that committee.

Now, I am not going to take time and go into and make an analysis of it now, but I will before this debate is concluded. It is only necessary to examine the amendments made by the Senate committee of the last Congress to see where they came from and what interest they serve. It is the interest that for 20 years has prevented legislation for the emancipation of the seamen from slavery or for the protection of the public traveling at sea. It is the same sort of thing that we have had to wrestle with in dealing with the railroads. They resist legislation to

compel the adoption of safety appliances; they resist the proper equipment of their trains. It is human nature, I suppose; but we have had to fight every inch of the ground with those transportation companies and we have had to make the same fight to provide reasonable safety at sea. We have made some progress. We came to a time when there was an opportunity to secure consideration of the legislation. I saw that opportunity. I have no apologies to make, no explanation to offer, no regrets to express for having secured unanimous consent for the consideration of this great measure at this time.

I am just going to make a little further answer to the question asked by the Senator from Missouri [Mr. STONE] while I think of it. At first view it must strike one as strange that anybody should object to the provision for lifeboat drill; but lifeboat drill was projected by the steamship owners, or by those who represented them before these committees, for the purpose of getting rid of the provision of the bill fixing the standard of efficiency tests in the employment of seamen. In other words, they wanted to be able to get any kind of men on their vessels. They were willing to educate them by means of lifeboat drills, but they were unwilling that there should be written into the law provisions which would require that the men should be skilled seamen before life and property were ever committed to their hands as sailors. That is the issue.

Furthermore, Mr. President, it is the contention of the sailors that neither in harbor nor on a voyage on one of these trans-Atlantic steamers can you get just exactly the sort of drill so vital to the saving of life in the time of terror.

Lifeboat experience, as I understand it from the little that I have studied of this subject, is to be acquired by men in a long series of years in serving in the management of boats. The men must have the knowledge which can only be acquired by long study of the sea. They must know the sea before they can know how to lower a lifeboat. In time of disaster, we will say, when it is necessary to lower a lifeboat, the sailor must know just when to lower that lifeboat within a few feet of the water, and then he must know just how the waves run, so as to seize the exact instant to let go and put the craft into the water.

Mr. President, I did not intend to go into this matter at all at this time. I have asked to have printed the bill that passed the House of Representatives a year and a half ago perhaps. It is a bill that had received the approval of committee after committee over there. I think it needs some slight modification. Shortly after it was introduced here it went to the Committee on Commerce, and at my request the chairman sent the bill to the Secretary of Commerce and the Secretary of Labor. They made an examination of and reported upon it in a letter that discusses its provisions and in which they recommend its passage. They suggested two or three amendments. I have incorporated these in the reprint of it which I asked to have made and which will be upon the desks of Senators at the next session of the Senate. I also added another amendment providing definitely for a lifeboat equipment sufficient to furnish safety to all persons carried, crew and passengers. That bill will be printed in connection with this reported bill in different type so that Senators can readily run their eye over its provisions and note the difference between the proposed substitute and the reported bill.

Mr. KERN. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet on Saturday next at 12 o'clock noon.

Mr. LA FOLLETTE. If the Senator will just permit me to say—

Mr. KERN. Certainly.

Mr. LA FOLLETTE. That is entirely satisfactory, because that will give opportunity to have this matter printed and give one day for its examination before the Senate takes it up.

The PRESIDING OFFICER. The Senator from Indiana moves that when the Senate adjourns to-day it adjourn to meet on Saturday next at 12 o'clock noon.

The motion was agreed to.

Mr. SUTHERLAND. Mr. President, I want to say just a further word in reference to section 14. I do not know that I made myself clearly understood in the questions which I submitted to the Senator from Florida [Mr. FLETCHER]. I make the suggestion in reference to it so that it may be considered by the committee.

The provision of section 14 first is:

That no vessel—

With certain exceptions—

shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel—

Thus far the provision is perfectly clear and perfectly simple and perfectly capable of enforcement. Everybody would understand it exactly alike. But it continues—

unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen—

Certainly if we stop there the test is not sufficient. What is a sufficient number of men? One man, as I have said, would think that a small number were sufficient and another that an entirely greater number were necessary. A statement of that kind in a law, and particularly in a penal law, is quite as indefinite as to say, "A large piece of chalk." If I should require that a large piece of chalk should be furnished, the Senator from Mississippi [Mr. WILLIAMS] might regard a piece of chalk as large as my fist as a large piece of chalk, while another might think it a very small piece. It furnishes absolutely no standard. This is a penal law. The violation of it subjects the master of a ship to a fine, I think, of \$500. A law of that kind ought to be couched in such definite terms as that everybody reading it can understand precisely what was meant and everybody reading it would understand it precisely alike.

Now, it continues:

The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

It has been suggested by the Senator from Colorado [Mr. THOMAS] that perhaps that might cure it, but it seems to me that it does not, because that fixes a minimum. If the number of seamen of this character is not equal to the number of lifeboats carried on the vessel, then conclusively it must be assumed negatively that there is not a sufficient number.

But it does not follow affirmatively that even if there was that number that it is sufficient; if there are not that many, the number is not sufficient; but confusion will arise from having put into the law these two tests: First, that there shall be a sufficient number; and, second, that it shall not be less than the number of lifeboats.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. SUTHERLAND. I do.

Mr. LA FOLLETTE. I very much hope, of course, that the Senate will dispose of that matter by rejecting it altogether and by adopting the provisions of Senate bill No. 4 with regard to the standard of efficiency and the standard it provides for equipment and crew of a vessel.

Mr. SUTHERLAND. I will say to the Senator from Wisconsin that I have been comparing these two sections, section 12 as proposed in the substitute with section 14, and while I am not an expert in maritime matters—I claim to know very little about such matters—section 12 is perfectly understandable. It is a clear and definite statement of what is required; there can be no doubt about it. As I am at present advised, I can see no reason why section 12 should not be substituted for section 14; and I shall await with some curiosity to hear what the proponents of section 14 have to say in favor of it as against the very clear provisions of section 12.

Mr. LA FOLLETTE. I sincerely hope, Mr. President, that instead of building upon S. 136, reconstructing it by amendment, the bill that the Senate will pass will be a well worked out, comprehensive piece of legislation, such as that which passed the House of Representatives over a year and a half ago. I hope the bill I introduced as S. 4 will be substituted for the reported bill. In that way we shall get a much better piece of legislation than we will if we attempt to patch up S. 136 to make it acceptable.

Mr. WILLIAMS rose.

Mr. FLETCHER. I ask that the pending bill, the unfinished business, may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 55 minutes p. m.) the Senate adjourned until Saturday, October 18, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate October 16, 1913.

GENERAL APPRAISER OF MERCHANDISE.

George Stewart Brown, of Maryland, to be general appraiser of merchandise, to fill an existing vacancy.

UNITED STATES DISTRICT JUDGE.

Edwin S. Thomas, of Connecticut, to be United States district judge, district of Connecticut, vice James P. Platt, deceased.

UNITED STATES MARSHAL.

John J. Richards, of Rhode Island, to be United States marshal, district of Rhode Island, vice Daniel R. Ballou, resigned.

UNITED STATES ATTORNEY.

Jeff McCarn, of Tennessee, to be United States attorney, district of Hawaii, vice Robert W. Breckons, resigned.

MEMBERS OF THE PHILIPPINE COMMISSION.

Under the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved May 11, 1908, increasing the membership of the Philippine Commission, the following nominations were submitted:

Victorino Mapa, of the Philippine Islands, to be a member of the Philippine Commission and secretary of finance and justice, vice Gregorio Araneta, resigned.

Jaime C. de Veyra, of the Philippine Islands, to be a member of the Philippine Commission, vice Frank A. Branagan, resigned.

Vicente Ilustre, of the Philippine Islands, to be a member of the Philippine Commission, vice Juan Sumulong, resigned.

Vicente Singson, of the Philippine Islands, to be a member of the Philippine Commission, vice José R. de Luzuriaga, resigned.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Scott Baker, Second Field Artillery, to be captain from October 9, 1913, vice Capt. Edward Hill, Sixth Field Artillery, who died October 8, 1913.

CAVALRY ARM.

First Lieut. Philip Mowry, Fifteenth Cavalry, to be captain from September 23, 1913, vice Capt. Samuel A. Purviance, Second Cavalry, retired from active service September 22, 1913.

Second Lieut. Thurman H. Bane, Cavalry (detailed first lieutenant, Ordnance Department), to be first lieutenant from September 23, 1913, vice First Lieut. Philip Mowry, Fifteenth Cavalry, promoted.

Second Lieut. Augustine W. Robins, Twelfth Cavalry, to be first lieutenant from September 23, 1913, vice First Lieut. Thurman H. Bane, whose detail in the Ordnance Department is continued.

Second Lieut. William D. Geary, Thirteenth Cavalry, to be first lieutenant from October 6, 1913, vice First Lieut. James S. Jones, Eighth Cavalry, who resigned October 5, 1913.

COAST ARTILLERY CORPS.

First Lieut. David McC. McKell, Coast Artillery Corps, to be captain from October 11, 1913, vice Capt. Guy T. Scott, retired from active service October 10, 1913.

Second Lieut. John H. Hood, Coast Artillery Corps, to be first lieutenant from October 11, 1913, vice First Lieut. David McC. McKell, promoted.

CORPS OF ENGINEERS.

Lieut. Col. William C. Langfitt, Corps of Engineers, to be colonel from October 12, 1913, vice Col. Dan C. Klugman, who accepted an appointment as Chief of Engineers with the rank of brigadier general on that date.

Maj. Edgar Jadwin, Corps of Engineers, to be lieutenant colonel from October 12, 1913, vice Lieut. Col. William C. Langfitt, promoted.

Capt. Paul Stanley Bond, Corps of Engineers, to be major from October 12, 1913, vice Maj. Edgar Jadwin, promoted.

First Lieut. Edmund L. Daley, Corps of Engineers, to be captain from October 12, 1913, vice Capt. Paul Stanley Bond, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from October 11, 1913.

Henry Waters Kennard, of Maryland.

Samuel Lille, of Virginia.

Frederick Charles Huff, of Wisconsin.

Charles Joseph Whalen, of Illinois.

Dunlap Pearce Penhallow, of Massachusetts.

Russell La Fayette Cecil, of New York.

Samuel Broders Moore, of Virginia.

Malvern Bryan Clopton, of Missouri.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Arthur G. Kavanagh to be a commander in the Navy from the 1st day of July, 1913.

Lieut. Benyaud B. Wygant to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) George E. Lake to be a lieutenant in the Navy from the 9th day of November, 1912.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Rensselaer W. Clark, and

Howard B. Meclary.

The following-named officers of the Navy to be ensigns in the Navy from the 30th day of July, 1913, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended:

Boatswain Frank Hindrelet,

Chief Machinist August Schulze,

Boatswain Ralph Martin, and

Machinist Frank G. Kutz.

John F. Riordan, a citizen of Missouri, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 9th day of October, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 10th day of October, 1913:

Joseph J. Kaveney, a citizen of the District of Columbia;

Claude W. Carr, a citizen of Missouri;

Louis H. Roddis, a citizen of Minnesota; and

Charles A. Costello, a citizen of Illinois.

POSTMASTERS.

CALIFORNIA.

Thomas E. Ferris to be postmaster at East San Diego, Cal. Office became presidential October 1, 1913.

Edward I. Leake to be postmaster at Woodland, Cal., in place of Jesse H. Dungan. Incumbent's commission expired February 9, 1913.

FLORIDA.

Thomas J. Weaver to be postmaster at Mayo, Fla. Office became presidential October 1, 1913.

GEORGIA.

Benjamin E. Croker to be postmaster at Dallas, Ga., in place of John W. Spinks, removed.

ILLINOIS.

Robert E. Downing to be postmaster at Golden, Ill., in place of Senaca Selby. Incumbent's commission expired January 11, 1913.

Peter Petri to be postmaster at Eureka, Ill., in place of Peter E. Low, resigned.

IOWA.

William H. Fickel to be postmaster at Glenwood, Iowa, in place of Roman C. White, resigned.

KANSAS.

Ed L. Hepler to be postmaster at Winfield, Kans., in place of John W. Skinner, resigned.

LOUISIANA.

W. T. Pegues to be postmaster at Mansfield, La., in place of William T. Pegues, deceased.

MARYLAND.

H. L. Brittingham to be postmaster at Princess Anne, Md., in place of Robert F. Duer. Incumbent's commission expired August 4, 1913.

A. B. Cochran to be postmaster at Crisfield, Md., in place of George C. Rigglin. Incumbent's commission expired February 12, 1911.

W. Jasper Harper to be postmaster at Hurlock, Md., in place of W. H. Stevens, jr. Incumbent's commission expired January 29, 1913.

MISSISSIPPI.

C. A. McCharen to be postmaster at Oxford, Miss., in place of S. M. Howry. Incumbent's commission expired January 11, 1913.

Lillian McCleary to be postmaster at Hollandale, Miss., in place of Mattie O. Golden, resigned.

W. L. Walton to be postmaster at Lexington, Miss., in place of Allen R. Frazier, removed.

MISSOURI.

James M. Settle to be postmaster at New Franklin, Mo. Office became presidential October 1, 1913.

NEBRASKA.

George Beckler to be postmaster at Deshler, Nebr. Office became presidential January 1, 1913.

Charles H. Mohr to be postmaster at Plainview, Nebr., in place of Hubert L. Buckingham. Incumbent's commission expired January 11, 1913.

NEW JERSEY.

George A. Hurd to be postmaster at Haworth, N. J. Office became presidential July 1, 1913.

C. D. Nicholson to be postmaster at Grenloch, N. J., in place of Elbert Bradshaw. Incumbent's commission expired April 19, 1913.

NEW MEXICO.

Susan S. Pace to be postmaster at Clayton, N. Mex., in place of N. Fauston Gallegos, resigned.

OHIO.

C. L. Barkman to be postmaster at Osborn, Ohio, in place of John A. Kneisly. Incumbent's commission expired May 12, 1913.

Harry H. Frazee to be postmaster at Murray, Ohio, in place of Solomon P. Soliday, removed.

Laura Emma Jones to be postmaster at Shadyside, Ohio. Office became presidential January 1, 1913.

E. R. Lash to be postmaster at Athens, Ohio, in place of Charles H. Bryson, removed.

Harry B. Mapel to be postmaster at Columbus Grove, Ohio, in place of Charles B. Morris. Incumbent's commission expired June 22, 1913.

A. E. Stiwald to be postmaster at Amherst, Ohio, in place of Adolphus Baker. Incumbent's commission expired August 4, 1913.

OKLAHOMA.

Robert Landers to be postmaster at Lawton, Okla., in place of F. A. Parkinson, resigned.

W. E. Merry to be postmaster at Perry, Okla., in place of Charles L. Watson, removed.

OREGON.

Dean S. McWilliams to be postmaster at Halsey, Oreg. Office became presidential October 1, 1913.

PENNSYLVANIA.

J. R. Detwiler to be postmaster at Williamsburg, Pa., in place of T. Dean Ross. Incumbent's commission expired July 23, 1913.

Charles N. Seitzinger to be postmaster at Reading, Pa., in place of Augustus M. High, deceased.

SOUTH DAKOTA.

Alexander H. Rogers to be postmaster at Newell, S. Dak., in place of Napoleon M. Bratton, resigned.

TENNESSEE.

Thomas E. Glass to be postmaster at Jackson, Tenn., in place of William F. Arnold, removed.

John E. Pullen to be postmaster at Waverly, Tenn., in place of James F. Fowlkes, resigned.

VIRGINIA.

Frank W. Sheld to be postmaster at Hampton, Va., in place of Harry Libbey, deceased.

WISCONSIN.

David A. Holmes to be postmaster at Milton, Wis., in place of William W. Clarke. Incumbent's commission expired March 1, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 16, 1913.

MINISTER Plenipotentiary.

William Hayne Leavell to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala.

COLLECTOR OF CUSTOMS.

Edmund Billings to be collector of customs for the district of Massachusetts.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Alfred G. Howe to be a lieutenant commander.

Lieut. (Junior Grade) Hamilton F. Glover to be a lieutenant.

Asst. Surg. Clyde B. Camerer to be a passed assistant surgeon.

The following-named ensigns to be lieutenants (junior grade):

Abel T. Bidwell,

Walter K. Kilpatrick,
Francis J. Comerford,
George W. Struble,
Henry T. Markland,
Thomas C. Kinkaid, and
Robert E. Rogers.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy:

Rexwald Brown,
Thomas A. Ratliff,
Daniel Hunt,
Walter L. Haworth,
Warren E. Bradbury,
John B. Bostick, and
Harvey R. McAllister.

POSTMASTERS.

ALABAMA.

James A. Anderson, University.
B. C. Gibson, Tuskegee.
S. M. Roberts, Monroeville.

CONNECTICUT.

William J. Thomas, Moodus.

GEORGIA.

Belle D. Burke, Guyton.
Benjamin E. Croker, Dallas.
P. D. Wootten, Abbeville.
Mamie E. Wright, Metter.

ILLINOIS.

Frederic A. Perkins, Canton.

LOUISIANA.

C. C. Johnson, Melville.

MARYLAND.

Franklin B. Beall, Cumberland.
Joseph C. Gernand, Thurmont.
F. B. McDermitt, Mount Savage.
Benjamin Mitchell, Hancock.

MASSACHUSETTS.

John D. Leonard, Whitinsville.

OHIO.

Benjamin F. Price, Lancaster.

TEXAS.

Elias Barry, Fort Stockton.
C. E. Culpepper, Palmer.
Thomas W. Hooks, Donna.
Charles H. Jones, Bishop.
E. C. Langhammer, Somerville.
J. H. Logan, Blessing.
John C. Walker, Naples.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 16, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the accumulated knowledge which has come down to us out of the past, for the hopes and promises of the future. Thou art an imminent God, ever working in and through Thy children for the higher and better forms of life. The last word has not been uttered, the last revelation has not been made. Make us therefore susceptible, that we may hear Thy voice, feel and know Thy presence, and go forward to new achievements for ourselves and for all the world; and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INCOME-TAX LAW AS APPLIED TO INDIVIDUALS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of printing a synopsis of the provisions of the income-tax law as it applies to individuals. This synopsis has been prepared by my distinguished colleague Judge HULL. I myself have received many inquiries from constituents who want to know about these provisions, and no doubt other Members have received similar inquiries. I desire to have this printed so that we may avail ourselves of it in order to answer these inquiries correctly.